

CITY OF MEMPHIS

COUNCIL REGULAR MEETING

Tuesday , February 16, 2021, 3:30 p.m.

SUPPORTING DOCUMENTS

ITEM #	DESCRIPTION	PAGE #
1	RESOLUTION thanking the Travelodge by Wyndham and the Hospitality Hub for their service to the City of Memphis during the COVID-19 pandemic.	1
	PLANNING AND DEVELOPMENT Public Hearings & Ordinances	
2	RESOLUTION approving a planned development located at 3681 Hawkins Mill Road, containing +/-12.95 acres located in the Residential Single-Family – 6 (R-6) District. Case No. PD 20-17	1
	CONSENT AGENDA	
3	ORDINANCE NO. 5777 to amend City of Memphis, Code of Ordinances, Chapter 5, "Animals and Fowl" to create Article V to restrict the "Retail Sale of Dogs and Cats at Pet Stores", up for SECOND reading.	2
4	ORDINANCE NO.5778 to amend City of Memphis, Code of Ordinances, Chapter 33, Division IV, to modify Section 33-62 related to the Sewer Development Fee, up for SECOND reading.	6
5	ORDINANCE NO. 5779 to amend City of Memphis Code of Ordinances, Chapter 33, Division IV, to modify Section 33-65 related to the Sewer Extension Fee, up for SECOND reading.	10
6	RESOLUTION accepting O'REILLY AUTO PARTS-PLEASANT SYCAMORE COMMERCIAL PD and authorizing release the Bank of Bartlett Letter of Credit No. 5501219 in the amount of \$94,400.00 in lieu of bond	12
7	RESOLUTION approving the final plat entitled AVERY GROVE PD and acceptance of Performance Bond No. GM-202696 in the amount of \$67,800.00. Case No. PD 18-47. Contract No. CR-5354	13
8	RESOLUTION approving the final plat entitled THE DOMINO'S VILLAGE and acceptance of Performance Bond No. 107356931 in the amount of \$130,200.00. Case No. BOA 19-93. Contract No. CR-5355	14
9	RESOLUTION approving the engineering plans entitled THE UNIVERSITY OF TENNESSEE HEALTH SCIENCE CENTER COLLEGE OF DENTISTRY and acceptance of Performance Bond No. 015212325 in the amount of \$77,300.00. Contract No. CR-5356	15

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

10	RESOLUTION approving an Honorary Street Name Change of Mickey Drive between East Raines Road and Lehr Drive for Reverend Dr. Uliasea Little, Jr. (Request for same night minutes)	16
	FISCAL CONSENT AGENDA	
11	RESOLUTION accepting a grant in the amount of \$26,000,00 from the National Recreation and Park Association, for soccer lighting at Gaisman Park. (Request for same night minutes)	17
12	RESOLUTION accepting funding in the amount of \$218,400.00 from the Memphis Fire Department Foundation, for the RADAR program from April 1, 2021 to June 30, 2021, to reduce non-emergency calls. (Request for same night minutes)	19
13	RESOLUTION accepting reimbursement in the amount of \$258,051.09 from the US Department of Homeland Security-FEMA, for Tropical Cyclone Laura. (Request for same night minutes)	21
	MLGW FISCAL CONSENT AGENDA	
14	RESOLUTION approving Position No. 07073 - Planning Engineer 3.	23
15	RESOLUTION authorizing the execution of a contract with Public Energy Authority of Kentucky (PEAK) for the purchase of natural gas.	26
16	RESOLUTION authorizing the execution of a contract with Public Energy Authority of Kentucky (PEAK) for a new industrial sales program to purchase natural gas, as well as acknowledging PEAK will issue gas supply revenue bonds to fund the purchase of the supply of the natural gas.	31
	REGULAR AGENDA	
17	ORDINANCE No. 5769 Adopting and Enacting a New Code of Ordinances of the City of Memphis, Tennessee; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending such Code; and Providing when such Code and this Ordinance shall become effective, up for THIRD reading.	36
18	ORDINANCE No. 5771 amending the City of Memphis Code of Ordinances 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, up for THIRD reading.	42
19	ORDINANCE No. 5774 amending Memphis Code of Ordinances Chapter 22, Noise, Section 22-12 to add Subsection 22-12 (B) regarding Muffler Noise Violations and Penalties, up for THIRD reading	45
20	ORDINANCE No. 5775 amending the City of Memphis Code of Ordinances 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, up for THIRD	46

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

	reading.	
21	RESOLUTION amending the FY21 CIP Budget by transferring an allocation and appropriating \$362,000.00 in G.O. Bonds from Traffic Signals, Project Number EN21100 and Traffic Signal Furniture, Fixtures and Equipment (FY21), Project Number EN01104 to Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105, for a Construction Contract with McCrory Electric.	47
22	RESOLUTION transferring \$1,510,915.00 appropriated funding from six completed General Services projects to CD0110-Raleigh Vehicle Repair Shop and \$156,329.00 available Capital Acquisition funding from GS0219C to GS0221C	51
23	RESOLUTION to appropriate \$4,000,000.00 of G.O. Bond allocations in the FY2021 Capital Improvement Program Budget for the Fairgrounds Redevelopment Phase	54
24	RESOLUTION approving MLGW's Debt Management Policy Revisions.	58
25	RESOLUTION encouraging all City of Memphis government agencies to support American and local manufacturers.	85
	Minutes of February 2, 2021 Regular Meeting	86

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

**RESOLUTION OF THE MEMPHIS CITY COUNCIL THANKING THE
TRAVELODGE BY WYNDHAM AND THE HOSPITALITY HUB FOR THEIR
SERVICE TO THE CITY OF MEMPHIS DURING THE COVID-19 PANDEMIC**

WHEREAS, although the Memphis City Council recognizes the impact of COVID-19 upon all citizens, we are keenly aware that the virus poses a unique risk to housing insecure citizens lacking physical refuge during a time of unprecedented peril; and

WHEREAS, in direct response, the Travelodge by Wyndham and the Hospitality Hub jumped into action with service to others guiding their missions above all; and

WHEREAS, in doing so, the initiatives worked for the purpose of providing shelter, case work, meals, support, and security to individuals during the COVID-19 pandemic; and

WHEREAS, despite challenges that persist, joy has been found; as a result, guests have been able to celebrate birthdays, secure new jobs, while even assisting one resident to the hospital to give birth; the precious newborn is now the newest resident of these special places of refuge; and

WHEREAS, the Travelodge by Wyndham and the Hospitality Hub offer more than just a hotel, they provide an incomparable oasis when emergency shelters are far and few between; as such, guests have been served in transformative ways, e.g., having regular access to room and board, nourishment, safety, and rest, which has empowered the residents to overcome the challenges within their lives that have previously presented hindrances to maintaining permanent housing; and

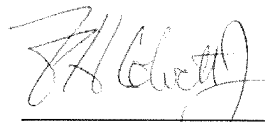
WHEREAS, after countless hours, days, weeks, and months of work on behalf of others, the Travelodge by Wyndham and the Hospitality Hub's services have both emerged as well-known assets to the City of Memphis and its citizens, assets that the Council values at a time when benevolent efforts are needed most.

NOW THEREFORE BE IT RESOLVED, the Memphis City Council hereby thanks the Travelodge by Wyndham and the Hospitality Hub, as well as their countless volunteers and supporters, for their invaluable service to the City of Memphis during the COVID-19 pandemic.

Adopted: February 16, 2021



Jeff Warren, M.D.
Memphis City Council



Frank Colvett, Jr.
Memphis City Council, Chairman

ORDINANCE NO. 5777

AN ORDINANCE OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO AMEND CHAPTER 5 "ANIMALS AND FOWL" TO CREATE ARTICLE V TO RESTRICT THE "RETAIL SALE OF DOGS AND CATS AT PET STORES"

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

WHEREAS, the Humane Society of the United States ("Humane Society") estimates that 10,000 high-volume dog breeding facilities, also known as puppy mills, are producing more than 1,000,000 puppies a year in the country; and

WHEREAS, according to the Humane Society, puppy and kitten mills are inhumane commercial breeding facilities that disregard the animals' physical and emotional health in order to maximize profits; and

WHEREAS, according to the Humane Society, these mills produce animals for sale, oftentimes at retail in pet stores; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, cities across the country including Atlanta, Austin, Chicago, Los Angeles Philadelphia, San Diego, and San Francisco have adopted ordinances banning retail pet sales; and

WHEREAS, cities in Tennessee, including Nashville and Franklin, have adopted legislation that bans the retail sale of dogs and cats at pet stores; and

WHEREAS, the Memphis City Council believes it is in the best interest of the City of Memphis to adopt reasonable regulations to reduce costs to the city and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City of Memphis.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE that Chapter 5 "Animals and Fowl" also referenced as Sec 8-16 titled "Dogs and Cats" is hereby amended as follows:

Article V "RETAIL SALE OF DOGS AND CATS AT PET STORES"

SECTION 1. DEFINITIONS

For the purpose of this section, the following shall be defined as

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

Breeder means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

Broker means a person that transfers a dog or cat from a breeder for resale by another person.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet store means a retail establishment where dogs or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. Such definition shall not include animal care facility, animal rescue organization, or breeder, as defined.

SECTION 2. RESTRICTIONS ON THE SALE OF DOGS AND CATS

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

SECTION 3. PENALTY.

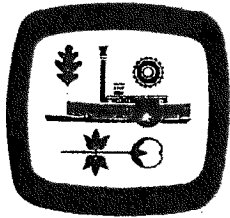
A pet store that violates this section shall be subject to a civil penalty of \$50.00, and each dog or cat offered for sale in violation of this section shall constitute a separate violation.

SECTION 4. 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 5. 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.

Sponsors
Worth Morgan
Jeff Warren
City Administration

Chairman
Frank Colvett



Memphis City Council Summary Sheet

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

This is an ordinance to amend Chapter 13, Section 13-16-2 to update the sewer development fees.

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

Initiating Party is the Division of Public Works (Environmental Engineering).

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

This is an amendment to an existing ordinance, Chapter 13, Section 13-16-2.

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

Not applicable.

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

The ordinance does not require a budget amendment.

ORDINANCE No. 5778



AN ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 33, DIVISION IV, TO MODIFY SECTION 33-62 RELATED TO THE SEWER DEVELOPMENT FEE

WHEREAS, Chapter 33, Section 33-62 of the City's Sewer Use Ordinance currently authorizes the Division of Public Works to charge a sewer development fee to defray a portion of the construction costs incurred by the City regarding its sanitary sewer collection system and treatment facilities ("System"); and

WHEREAS, the sewer development fee applies to all subdivisions, land developments, new buildings and redevelopments of land or buildings served by the System; and

WHEREAS, the existing sewer development fee does not account for prior capital costs incurred by the City for the construction, maintenance, and upgrade of the System; and

WHEREAS, the Division of Public Works has developed a fair and equitable sewer development fee that would allow the City to recover the actual cost required to serve each new customer to the System and a portion of the prior capital cost incurred by the City to provide service to such new customers; and

WHEREAS, the expanded scope of the sewer development fee would protect existing customers from subsidizing the sewer connection for new customers connecting to the System; and

WHEREAS, the Council deems it in the best interest of the City of Memphis and current users of the System that Chapter 33, Section 33-62, be amended to require that new sewer customers pay a sewer development fee which allows the City to recover a portion of the original capital costs incurred by the City for the construction of its wastewater treatment plants, related assets, and wastewater collection and conveyance system using a trended original cost method as well as the actual cost to provide service to such new customer of the System;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 33-62 of the City of Memphis, Code of Ordinances is hereby amended to read as follows with corresponding changes to be made to Section 13-16-2 included in Municode:

Sec. 33-62. Sewer Development Fees.

(a) There is established a sewer development fee, as set forth herein, to be paid by new sanitary sewer customers connecting to the System as of July 1, 2021. Such fee shall reflect (1) the actual cost to provide service to such new customers connecting to the System seeking an approved sewer connection for subdivisions, land developments, new buildings, and redevelopments of land or buildings served by the City sanitary sewer system or where the facility served requires modification of or enlargement of the existing sewers, whether within or outside the corporate limits of the City and whether service is by existing or by new facilities to be constructed; (2) a portion of the capital costs incurred by the City for the construction of wastewater treatment plant facilities and related assets, including prior upgrades and expansions; and (3) a portion of the capital costs incurred by the City for the construction of the sewage collection and conveyance system including sewer mains, manholes, lift stations, associated appurtenances including prior upgrades and expansions. The sewer development fee shall be payable by the applicant, developer of the subdivision, or developer of industrial, commercial or

residential site as set forth herein, upon the execution of the subdivision contract or the sewer extension contract, or at the time of application for the sewer connection or plumbing permit, as appropriately determined by the Approving Authority.

(b) Sewer development fees shall be calculated based upon the size of the water meter used for the connection using a trended original cost method defined as the historical cost of the City's assets in present day dollar amounts. Written confirmation of the applicable water meter size from Memphis Light, Gas & Water (MLGW) must be provided by the applicant or developer prior to payment of the sewer development fee as such payment is required in accordance with Section 33-62(a). The sewer development fee shall be assessed as set forth in this section and the fee schedule adopted by the Approving Authority:

Meter Size (in inches)	Sewer Development Fee
5/8	\$2,255
3/4	\$3,383
1	\$5,638
1 ½	\$11,277
2	\$18,043
3	\$33,830
4	\$56,384
6	\$112,767
8	\$180,427
10	\$259,364
12	\$484,899

(c) The sewer development fee calculation may be reviewed and adjusted by the Approving Authority every five years or as determined necessary due to significant changes to the customer makeup of the System, and in the instance of an extensive capital improvement plan.

(d) The sewer development fee authorized herein shall become effective on July 1, 2021. Notwithstanding the foregoing, such fee assessment shall be implemented as follows:

From July 1, 2021 to June 30, 2022	50% of applicable fee
Subsequent years	100% of applicable fee

(e) In support of the objectives of the Memphis 3.0 Comprehensive Plan which encourage increased support for community-based developers and development of affordable housing, the sewer development fee may be reduced up to 50% (fifty percent) by the Director of Public Works or his designee upon written request. In order to qualify for this discounted fee, developer must submit proof of 501c3 status and evidence that the development meets affordable housing standards for the following residential property types: 2-family (duplex), 3-family (triplex), 4-family (quadplex) structures, and single family homes. For purposes herein, affordable housing shall be defined as at least 50% of the units serving households at 80% of the Area Median Income as defined by the applicable standards adopted by the US Department of Housing & Urban Development.

(f) No sewer development fee shall be assessed to a person authorized to install a private sewage disposal system pursuant to this division, but a sewer development fee may be charged to the developer or property owner when sanitary sewers are available under Section 33-28 or when it is determined that sanitary sewers shall be extended to such development. The Approval Authority may thereafter require the installation of the

sewer and the payment of the sewer development fee. The developer or property owner by applying for and receiving a private sewage disposal permit shall agree to such fee when the sewer is available. Notwithstanding the foregoing, a sewer development fee may be waived or reduced up to fifty percent (50%) by the Director of Public Works or his designee upon written request by a low-income residential property owner of the following property types: 2-family (duplex), 3-family (triplex), 4-family (quadplex) structures and single family homes; provided that, proof of such low-income is made available to the City upon request. For purposes herein, low-income shall mean families who have incomes at or below 80% of the Area Median Income as defined by the applicable standards adopted by the US Department of Housing & Urban Development.

(g) A sewer development fee shall be assessed to any development, redevelopment, new building or building addition resulting in the installation of an additional water meter or enlarged water meter. No sewer development fee shall be assessed for water meters dedicated to fire protection or irrigation.

(h) Within the City reserve area, the owner(s) of property who petition for connection to the City's sanitary sewer system to serve their property shall at that time consent to, petition and request the annexation of such property by the City, with the annexation to take place at such time as the City may deem appropriate pursuant to state law. Until such time as annexation occurs, the owner(s) shall agree not to seek either incorporation as a separate entity nor annexation to any other incorporated area.

The consent to annexation shall be incorporated as a part of the city land development and/or sewer extension contract(s). At the time the sewer extension and/or land development contract is entered into the property owner shall submit his or her petition for annexation to the City.

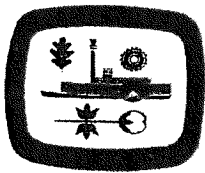
The above-described consent to annexation by the City shall be made a restrictive covenant imposed by the property owner(s) upon the property which shall run with the land and shall be binding upon all heirs, successors and assigns. Such covenant shall be recorded in the office of the Shelby County register and it shall be the duty of the original property owner and all subsequent property owners to disclose the existence of the covenant to any parties to whom the property or a portion thereof is conveyed. Reference to such recorded covenant shall be evidenced on any final plat or plan development prior to the recordation of the plat or plan in the office of Shelby County register. It shall be the responsibility of the division of planning and development to ensure that the signed petition for annexation is submitted by the property owner and that the covenant appears on the plat or plan prior to signing and recordation of the final plat or plan.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance Amendment 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.

Patrice J. Robinson, Chairwoman
Memphis City Council

ATTEST:

Comptroller



Memphis City Council Summary Sheet

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

This is an ordinance to amend Chapter 13, Section 13-16-5 to eliminate the process resulting in the granting of sewer credits and reflect the City's existing sewer policy regarding cost sharing for developments located within the City's municipal boundaries and in Unincorporated Shelby County.

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

Initiating Party is the Division of Public Works (Environmental Engineering).

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

This is an amendment to an existing ordinance, Chapter 13, Section 13-16-5.

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

Not applicable.

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

The ordinance does not require a budget amendment.

ORDINANCE No. 5779



AN ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 33, DIVISION IV, TO MODIFY SECTION 33-65 RELATED TO THE SEWER EXTENSION FEE.

WHEREAS, Chapter 33, Section 33-64 of the City's Sewer Use Ordinance currently authorizes the City of Memphis, through its Division of Public Works, to extend its sanitary sewer system, subject to its comprehensive growth plan and applicable sewer policies, to provide gravity sewer service to unsewered properties and properties which are not currently served by sewers of adequate capacity; and

WHEREAS, in accordance with Section 33-65, a sewer extension fee is paid by the developer, owner or applicant upon execution of a sewer extension contract with the City; and

WHEREAS, the sewer extension fees paid to the City run with the land described in the sewer extension contract and are used for the purpose of defraying payment of sewer development fees; and

WHEREAS, the application of such sewer extension fee payments to sewer development fees has resulted in the practice of the City granting "sewer credits" associated with the land, including parcels that are to be developed in the future in the instance of multi-phased developments; and

WHEREAS, the Division of Public Works desires to amend Section 33-65 to eliminate this process to relieve the administrative burden resulting from the maintenance and oversight of such sewer credits and avoid the potential loss of payment of future sewer development fees; and

WHEREAS, the Division of Public Works desires to further amend Section 33-65 to reflect the City's current sewer policy, adopted in 2017, regarding cost sharing for sewer extensions associated with the development of parcels located in unincorporated Shelby County; and

WHEREAS, the Council deems it in the best interest of the City of Memphis and users of the City's sanitary sewer system that Chapter 33, Section 33-65, be amended to eliminate the process resulting in the granting of sewer credits and reflect the City's existing sewer policy regarding cost sharing for developments located within the City's municipal boundaries and in unincorporated Shelby County;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 33-65 of the City of Memphis, Code of Ordinances is hereby amended to read as follows with corresponding changes to be made to Section 13-16-5 included in Municode:

Sec. 33-65. Sewer Extension Fees.

(a) The developer/owner/applicant shall pay to the City, upon execution of the sewer extension contract, a sewer extension fee as set forth herein. The developer/owner/applicant may secure payment of the

sewer extension fee by executing a performance bond, certificate of deposit assigned to the City, or an irrevocable, automatically renewable letter of credit in favor of the City. Such securities shall be in the full amount of the sewer extension fee and be in a form acceptable to the City. Payment of the sewer development fee shall be made by the developer/owner/applicant to the City upon advertisement for bids for construction of the sewer extension.

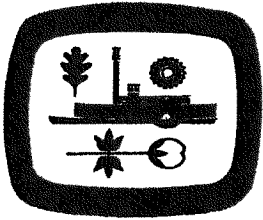
(b) The minimum sewer extension fee to be paid by the developer/owner/applicant shall not be less than 50% (fifty percent) of the cost of engineering including surveying, easement acquisition, inspection and construction of any sewer extension and other applicable fees for a development located within the municipal boundaries of Memphis and one hundred percent of such cost for developments located in unincorporated Shelby County. A preliminary estimate, based on the estimated cost of construction, engineering, easement acquisition, inspection, and other applicable fees shall be used for determining the fee to be charged to the developer for the purpose of negotiating a sewer extension contract. The final cost accounting shall be determined by the City upon completion of the sanitary sewer extension, and final accounting shall be made to the developer of any additional fee required or refund due to the developer.

(c) Sewer extension fees paid to the City prior to July 1, 2021 shall run with the land described in the sewer extension contract and may be used for the purpose of defraying sewer development fees. Any sewer extension fees paid on or after July 1, 2021 shall not be used for the purpose of defraying sewer development fees as determined in Section 33-62.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance Amendment 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.

Patrice J. Robinson, Chairwoman
Memphis City Council

ATTEST:



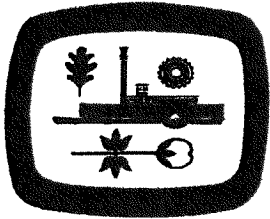
RESOLUTION accepting O'Reilly Auto Parts-Pleasant Sycamore Commercial PD and authorizing release of bond.

WHEREAS, Kelly Richardson Investments, LLC is the Developer has completed the public improvement with the City of Memphis as shown on the engineering plans for O'Reilly Auto Parts-Pleasant Sycamore Commercial PD located 400 linear feet west of Pleasant View Road and Sycamore View Road intersection in the City of Memphis, Tennessee.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **O'Reilly Auto Parts-Pleasant Sycamore Commercial PD, CR-5315** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED that the Bank of Bartlett Letter of Credit No. 5501219 in the amount of \$94,400.00 held as security for the standard improvement contract is ordered released.



RESOLUTION approving the final plat entitled **Avery Grove PD (PD 18-47)**

WHEREAS, **Intown Developments, LLC** is the Developer of certain property within the present limits of the City of Memphis, located at the southwest corner lot in the Roberta Drive and Avery Avenue intersection on the south side of Avery Avenue in the City of Memphis, Tennessee as indicated on the final plat entitled **Avery Grove PD (PD 18-47)** and

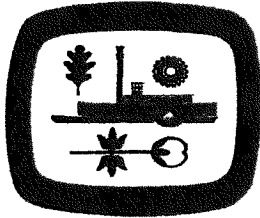
WHEREAS, the developer desires to develop the property reflected on the final plat; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat for **Avery Grove PD (PD 18-47)** and is hereby approved.

BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accept the Performance Bond No. GM-202696 in the amount of \$67,800.00.



**RESOLUTION approving the final plat entitled *The Domino's Village*
(BOA 19-93)**

WHEREAS, **ALSAC** is the Developer of certain property within the present limits of the City of Memphis, located at 361 North 3rd Street bounded by Third Street, Jackson Avenue, Second Street and Overton Avenue in the City of Memphis, Tennessee as indicated on the final plat entitled **The Domino's Village (BOA 19-93)** and

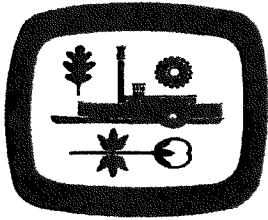
WHEREAS, the developer desires to develop the property reflected on the final plat; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat for **The Domino's Village (BOA 19-93)** and is hereby approved.

BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accept the Performance Bond No. 107356931 in the amount of \$130,200.00.



RESOLUTION approving the engineering plans entitled **The University of Tennessee Health Science Center College of Dentistry**

WHEREAS, **University of Tennessee** is the Developer of certain property within the present limits of the City of Memphis, located at 875 Union Avenue – southeast corner lot in the Union Avenue and Dunlap Street intersection in the City of Memphis, Tennessee as indicated on the engineering plans entitled **The University of Tennessee Health Science Center College of Dentistry** and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **The University of Tennessee Health Science Center College of Dentistry** and is hereby approved.

BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accept the Performance Bond No. 015212325 in the amount of \$77,300.00.

WHEREAS, upon occasion, the City Council approves the naming of specified public roads to honor those who have served this community, and the **Reverend Dr. Uliasea Little, Jr.** is an impeccable example of a community leader deserving of this City's recognition and gratitude; and

WHEREAS, Reverend Dr. Uliasea Little, Jr. was born in Memphis, Tennessee on June 20, 1954, to parents Uliasea and Ella Mae Little; he graduated from Melrose High School in 1972 and married Minerva Poplar in 1975, and they had two children, Courtney Marnez Little and Cody Marsalis Little; and

WHEREAS, Reverend Dr. Uliasea Little, Jr. was ordained January 25, 1976 at Hickory Hill Missionary Baptist Church and was hired by the City of Memphis Fire Department in 1977 and worked at Station 14 on McLemore until he was promoted to Lieutenant; he retired at the age of 45 in 1999 and became a full-time pastor; and

WHEREAS, Reverend Dr. Uliasea Little, Jr. completed studies at Jacksonville Theological Seminary and received a Bachelor of Religious Arts in Christian Education on December 22, 2002, a Master of Religious Arts in Christianity Counseling and a Master of Divinity on December 1, 2003, and a Doctor of Ministry on May 13, 2004; and

WHEREAS, in 1993, **Reverend Dr. Uliasea Little, Jr.** established Christ Baptist Church Graceland at 3816 Mickey Drive in Memphis, Tennessee, the Christ Baptist Church Family renovated the former Graceland recreation center, frequented by a young Elvis Presley, to an enclosed structure where worship service was held until a new facility was built and is now a black-owned church with a multiracial congregation serving the people of Whitehaven and the surrounding areas in Memphis; and

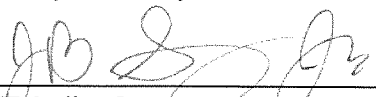
WHEREAS, under **Reverend Dr. Uliasea Little, Jr.**'s leadership, the Christ Baptist Church Graceland serves the Memphis community through outreach programs including: inner city youth football and basketball teams, drama, dance, and tutoring, Prison Ministry and Evangelism as well as partnerships with MIFA, United Way, Memphis Healthy Churches and other non-profits to feed, clothe and provide essentials such as furniture to families.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MEMPHIS, TENNESSEE extends congratulations to **Reverend Dr. Uliasea Little, Jr.** on celebrating 33 years of Pastoring on February 14, 2021 and 28 years at Christ Baptist Church Graceland and that Mickey Drive between E Raines Road and Lehr Drive in Memphis, Tennessee be designated and always remembered as

“Reverend Dr. Uliasea Little, Jr. Drive”

BE IT FURTHER RESOLVED that the City Engineer is requested to affix suitable signs so designating such public road.

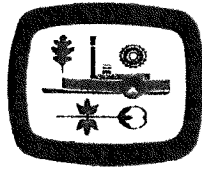
Given by my hand under the great seal of the City of Memphis, this
16th day of February, 2021.



JB Smiley, Jr.
Memphis City Councilmember



Frank Colvett
City Engineer



Memphis City Council Summary Sheet

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

Parks Division accepts grant in amount of \$26,000 from National Recreation and Park Association for soccer lighting at Gaisman Park.

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

Parks Division

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

N/A

4. State whether this will impact specific council districts or super districts.

Grant project will take place in Council District 5 and Super District 9.

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

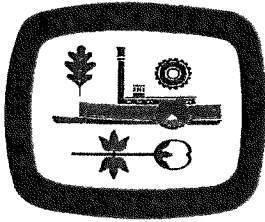
Requires contract for grant agreement with National Recreation and Park Association.

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

City of Memphis must approve revenue of twenty-six thousand dollars (\$26,000.00) from National Recreation and Park Association. This grant award does not require additional match funding.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



Resolution accepting grant funds of twenty-six thousand dollars (\$26,000.00) from National Recreation and Park Association for sports lighting at Gaisman Park soccer mini pitches [District 5, Super District 9].

WHEREAS, National Recreation and Park Association is a national nonprofit and philanthropic organization; and

WHEREAS, the City of Memphis, through its Division of Parks and Neighborhoods, has conducted recreational programs for youth, including afterschool and summer soccer programs at Gaisman Park for more than two years; and

WHEREAS, funding from the National Recreation and Park Association (NRPA) will provide new lighting for two soccer mini pitches at Gaisman Park; and

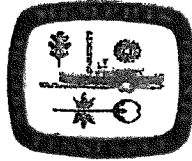
WHEREAS, the Parks Division is a recipient of a 2021 NRPA award in the amount of twenty-six thousand dollars (\$26,000.00); and

WHEREAS, it is necessary to accept these funds and amend the Fiscal Year 2021 operating budget grant account PK90093, and allow for expenditures of the same; and

WHEREAS, it is necessary to appropriate these funds in the amount of twenty-six thousand dollars (\$26,000.00) for professional services to provide lighting at two soccer mini pitches at Gaisman Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 operating budget be hereby amended by accepting the grant of twenty-six thousand dollars (\$26,000.00) for professional services into PK90093, and

BE IT FURTHER RESOLVED that funding of twenty-six thousand dollars (\$26,000.00) be allocated and appropriated to PK90093.



Memphis City Council Summary Sheet

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

A resolution to accept funding in the amount of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400) from the Memphis Fire Department Foundation for the RADAR program from April 1, 2021 to June 30, 2021 to reduce non-emergency calls.

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

Fire Services is the initiating party

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

There is no change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

This will impact all council and super districts.

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

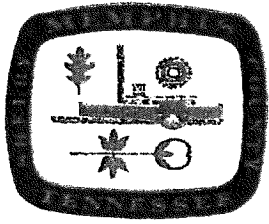
This will not require a new contract or an amendment to an existing contract.

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

This requires an expenditure and budget adjustment.

7. If applicable, please list the MWBE goal and any additional information needed

The contract with RADAR EMS, LLC was presented to OBDC and approved as a sole source.



**A resolution to accept funding in the amount of
Two Hundred Sixteen Thousand Dollars (\$218,400) from the
Memphis Fire Department Foundation .**

WHEREAS, The City of Memphis Division of Fire Services has received funds in the amount of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400) from the Memphis Fire Department Foundation; and

WHEREAS, These funds will be used for the RADAR program from April 1, 2021 to June 30, 2021 to reduce non-emergency calls; and

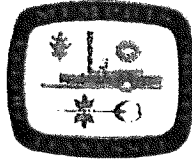
WHEREAS, It is necessary to accept the funding and amend the Fiscal Year 2021 budget to establish funds for the Memphis Fire Department Foundation; and

WHEREAS, It is necessary to appropriate the fund in the amount of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400) for the Memphis Fire Department Foundation funds; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Memphis Fire Department Foundation funds in the amount of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 budget be and is hereby amended by appropriating the Expenditures and Revenues for the Memphis Fire Department Foundation funds in the amount of Two Hundred Eighteen Thousand Four Hundred Dollars (\$218,400) as follows:

Revenue	
Donation	\$218,400
Expenses	
Professional Services	\$218,400



Memphis City Council Summary Sheet

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

A resolution to accept reimbursement funding in the amount of Two Hundred Fifty-Eight Thousand Fifty-One Dollars and 09/100 (\$258,051.09) from the US Department of Homeland Security - FEMA for Tropical Cyclone Laura.

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

Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

This will not impact council or super districts.

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

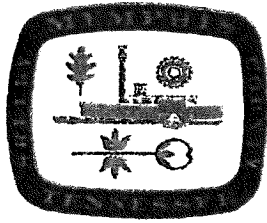
This will not require a new contract or an amendment to an existing contract.

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

This requires an expenditure of funds and a budget adjustment.

7. If applicable, please list the MWBE goal and any additional information needed

Not applicable.



A resolution to accept reimbursement funding in the amount of Two Hundred Fifty-Eight Thousand Fifty-One Dollars and 09/100 (\$258,051.09) from the US Department of Homeland Security for Tropical Cyclone Laura .

WHEREAS, The City of Memphis Division of Fire Services has received reimbursement funds in the amount of Two Hundred Fifty-Eight Thousand Fifty-One Dollars and 09/100 (\$258,051.09) from the US Department of Homeland Security - FEMA; and

WHEREAS, These funds are a reimbursement for expenditures sustained by Tennessee Task Force One during Tropical Cyclone Laura; and

WHEREAS, It is necessary to accept the reimbursement funding and amend the Fiscal Year 2021 budget; and

WHEREAS, It is necessary to appropriate the fund in the amount of Two Hundred Fifty-Eight Thousand Fifty-One Dollars and 09/100 (\$258,051.09) for the Urban Search and Rescue reimbursement grant; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Urban Search and Rescue reimbursement funds in the amount of Two Hundred Fifty-Eight Thousand Fifty-One Dollars and 09/100 (\$258,051.09) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search and Rescue reimbursement funds in the amount of Two Hundred Fifty-Eight Thousand Fifty-One Dollars (\$258,051.09) as follows:

Revenue	
FEMA Reimbursements	\$258,051.09

Expenses	
Overtime	\$176,190.68
Misc Professional Services	\$ 81,860.41

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 3, 2021

The President & CEO recommended to the Board of Light Gas and Water Commissioners an annual salary in the amount of \$104,540 for position 07073, per the attached documents:

Position No. 07073 - Planning Engineer 3

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

THAT, Position number 07073 as listed in the foregoing preamble is approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 3, 2021

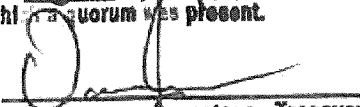
The President & CEO submitted for approval of the Board the following position numbers, per the attached documents:

Position No. 07073 - Planning Engineer 3

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

THAT, Position number 07073 as listed in the foregoing preamble is approved.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of February 2021, at which a quorum was present.


Secretary - Treasurer

SALARY EFFECTIVE DATE: 8-1-80

PAY FOR PERFORMANCE SALARY PLAN

JOB DESCRIPTION

TITLE: Planning Engineer

**NR123-Level I
JOB CODE: NR124-Level II
NR125-Level III**

**DEPARTMENT: Electric Engineering Area (S10390), Gas & Water
Engineering (Areas S10220 and S10230)**

**JOB DESCRIPTION
EFFECTIVE DATE: 6-7-80**

**RESPONSIBLE TO: Supervisor, Planning/System Engineering, Supervisor Gas Engineering
and Supervisor, Water Engineering**

**PURPOSE: Apply engineering principles to the development/revision of a Comprehensive Master
Plan; plus, forecast and prepare capital expenditure budgets; design improvements,
additions and realocations for existing utility systems; and provide support/tech-
nical assistance as required depending on area of work concentration.**

DUTIES AND RESPONSIBILITIES:

1. Analyze electric, gas and/or water systems and develop a comprehensive plan for future expansions, improvements and revisions depending on area of work concentration.
2. Plan, forecast and prepare manpower and fiscal requirements for annual/3-year capital expenditure budget line items.
3. Perform research and provide cost justifications for major additions or improvements to existing systems; recommend route or location, installation methods and materials for system modifications.
4. Conduct various studies to determine load, demand efficiency and conditions of the present systems.
5. Develop and maintain data for system computer models for existing utility systems which include billing and land use data for load projections.
6. Provide technical advice and assistance concerning electric, gas and water systems to Division personnel and other requesting parties.
7. Coordinate departmental work with Division areas/departments, other utilities and governmental agencies.
8. Attend monthly coordinating meetings to obtain information and present or discuss changes/improvements to Master Plan.
9. Prepare sketches of proposed work; maintain records of system equipment ratings; publish revised Master Plan annually.
10. Stay abreast of new methods/equipment and latest developments of electric, gas and water systems through trade/professional publications, conferences and seminars.
11. Perform special projects as assigned.
12. Perform other duties as directed.

DIRECTION: None

JOB SPECIFICATIONS:

**EDUCATION: Bachelor's degree in Electrical, Mechanical or Civil Engineering
depending on expertise required.**

**OTHER: Experience requirements will vary according to departmental needs,
Must have an occupationally significant combination of: ability to
apply engineering principles/methods in system planning; knowledge of
computer applications, engineering economy and statistics; organiza-
tional ability to plan, formulate and carry out programs/policies;
oral/written communication skills; and mathematical ability. Must
have a valid driver's license from state of residence.**

**WORKING ENVIRONMENT: Works in office majority of time. Subject to construction hazards
while making field inspections.**

THIS LIST OF ESSENTIAL FUNCTIONS IS NOT EXHAUSTIVE AND MAY BE SUPPLEMENTED AS NECESSARY.

RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY MEMPHIS, TENNESSEE ("CITY): (i) AUTHORIZING THE EXECUTION OF A GAS SUPPLY CONTRACT ("CONTRACT") WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY ("PEAK") FOR THE PURCHASE OF NATURAL GAS FROM PEAK; (ii) ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS, WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT; AND (III) FOR OTHER PURPOSES

WHEREAS, the Board of Light, Gas & Water Commissioners ("Board") operates and maintains a municipal gas distribution system (the "System") and is authorized by the provisions of the Charter of the City of Memphis, Tennessee, to acquire, purchase; transport, store and manage supplies of gas necessary to meet the requirements at the residential, commercial and industrial customers served by such utility; and

WHEREAS, the acquisition of secure, reliable and economic supplies of natural gas is necessary for the prudent and businesslike operations of the System, the continued economic development of its community and the promotion of the public health, safety and welfare; and

WHEREAS, the Public Energy Authority of Kentucky which was formed pursuant to the Natural Gas Acquisition Authority Act; KRS 353.400 to 353.410, has offered to sell to the Board, pursuant to the Contract, a supply of natural gas in the quantities on the dates set forth in the Contract on the condition that PEAK issues its Gas Supply Revenue Bonds, in one or more series (the "Bonds"), the proceeds of which will be used to acquire supplies of natural gas pursuant to a Prepaid Natural Gas Sales Agreement with either Morgan Stanley Energy Structuring, L.L.C., or a Delaware limited liability company organized by Morgan Stanley Capital Group Inc.; and

WHEREAS, the Board is a Municipal Utility, as such term is defined In the Contract; and at its meeting on _____, 2021, adopted a resolution authorizing the execution and delivery of the Contract subject to approval of this Council.

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

1. The Memphis City Council hereby approves the execution and delivery of the Gas Supply Contract, substantially in the form previously submitted to the Council and attached hereto as Exhibit A, pursuant to which the Board will agree to purchase specified quantities of natural gas from PEAK, such deliveries to be made on the dates, at the volumes and for the prices set forth in such Gas Supply Contract; provided, however, that the Gas Supply Contract

shall not be for a term longer than 31 years and shall provide for a natural gas purchase obligation not to exceed an average of 25,000 MMBtu per day; provided that the officers, employees and agents of MLGW are authorized to elect to continue to purchase gas during any Reset Period during which the discount is less than the Minimum Discount of twenty cents (\$0.20) per MMBtu (all as described in the Gas Supply Contract) if such officers, employees and agents determine such election to be in the best interest of MLGW.

2. The President and CEO or Vice President of Engineering and Operations of MLGW is hereby authorized to execute any such other closing documents or certificates which may be required or contemplated in connection with the execution and delivery of the Contract or carrying out the intent and purpose of this resolution.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 3, 2021

RESOLUTION OF THE BOARD OF LIGHT, GAS & WATER COMMISSIONERS ("BOARD") (i) AUTHORIZING THE EXECUTION OF A GAS SUPPLY CONTRACT ("CONTRACT") WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY ("PEAK") FOR THE PURCHASE OF NATURAL GAS FROM PEAK; (ii) ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS, WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACT; AND (iii) FOR OTHER PURPOSES

WHEREAS, the Vice President of Engineering and Operations informed the Board of Light, Gas and Water Commissioners that natural gas is available for purchase at a discount to market price from the Public Energy Authority of Kentucky ("PEAK") if the Memphis Light, Gas & Water Division of the City of Memphis, Tennessee ("MLGW") commits to purchase certain quantities of gas each year during a contract term not to exceed 31 years; and

WHEREAS, the Board operates and maintains a municipal gas distribution system and is authorized by the provisions of the Charter of the City of Memphis, Tennessee, to acquire, purchase, transport, store and manage supplies of gas necessary to meet the requirements of the residential commercial and industrial customers served by such system; and

WHEREAS, the acquisition of secure, reliable and economic supplies of natural gas is necessary for the prudent and businesslike operation of the system operated and maintained by the Board, the continued economic development of its community and the promotion of the public health, safety and welfare; and

WHEREAS, the Public Energy Authority of Kentucky which was formed pursuant to the Natural Gas Acquisition Authority Act; KRS 353.400 to 333.410, has offered to sell to the Board, pursuant to the Contract, a supply of natural gas in the quantities on the dates set forth in the Contract, on the conditions that (i) PEAK issues its Gas Supply Revenue Bands, in one or more series (the "Bonds"), the proceeds of which will be used to acquire a supply of natural gas pursuant to a Prepaid Natural Gas Sales Agreements with either Morgan Stanley Energy Structuring, L.L.C., or a Delaware limited liability company organized by Morgan Stanley Capital Group Inc.; and

WHEREAS, MLGW is a Municipal Utility, as such term is defined in the Gas Supply Contract, and desires to enter into the Contract with PEAK.

NOW, THEREFORE, BE IT RESOLVED by the Board of Light, Gas & Water Commissioners of MLGW as follows:

1. Subject to the consent and approval of the Council of the City of Memphis, Tennessee, MLGW hereby approves the execution and delivery of the Gas Supply Contract in substantially fee form previously submitted to the Board and attached hereto as Exhibit A, pursuant to which the Board will agree to purchase specified quantities of natural gas from PEAK, such deliveries to be made on the dates, at the volumes and for the prices set forth in such Gas Supply Contract; provided, however, that the Gas Supply Contract shall not be for a term longer than 31 years and shall provide for a natural gas purchase obligation not to exceed an average of 25,000 MMBtu per day; provided that the officers, employees and agents of MLGW are authorized to elect to continue to purchase gas during any Reset Period during which the discount is less than the Minimum Discount of twenty cents (\$0.20) per MMBtu (all as described in the Gas Supply Contract) if such officers, employees and agents determine such election to be in the best interest of MLGW.

2. The President and CEO or the Vice President, Innovation and Business Analytics of MLGW is hereby authorized to execute and deliver any such other closing documents or certificates which may be required or contemplated in connection with the execution and delivery of the Contract or carrying out the intent and purpose of this resolution.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 3rd day of February 2021, at which a quorum was present.


Secretary - Treasurer

Resolution authorizing the execution of a contract with Public Energy Authority of Kentucky (PEAK) for the purchase of natural gas.

- **Allows MLGW to purchase market-priced natural gas less a discount**
- **Estimated savings to our customers of \$2.8 million annually**
- **31-year contract**

RESOLUTION

RESOLUTION OF THE CITY COUNCIL (THE "CITY COUNCIL") OF THE CITY MEMPHIS, TENNESSEE: (i) AUTHORIZING THE EXECUTION OF GAS SUPPLY CONTRACTS ("CONTRACTS") WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY ("PEAK") FOR THE PURCHASE OF NATURAL GAS FROM PEAK; (ii) ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS, WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACTS; AND (iii) FOR OTHER PURPOSES

WHEREAS, Board of Light, Gas & Water Commissioners ("Board") operates and maintains a municipal gas distribution system (the "System") and is authorized by the provisions of the Charter of the City of Memphis to acquire, purchase, transport, store and manage supplies of gas necessary to meet the requirements of the residential, commercial and industrial customers served by such utility; and

WHEREAS, the acquisition of secure, reliable and economic supplies of natural gas is necessary for the prudent and business like operation of the System, the continued economic development of its community and the promotion of the public health, safety and welfare; and

WHEREAS, the Board, by resolution adopted October 23, 2019, and the City Council, convened as the Ratemaking Board of the City, by resolution adopted November 19, 2019, have adopted a Large Industrial Special Sales Service Rate Schedule ("Rate Schedule G-13"), which prescribes authority to the Board to negotiate prepay gas transactions with industrial customers;

WHEREAS, pursuant to the Rate Schedule G-13, the Board has a new industrial sales program for large industrial customers that currently transport their natural gas on the System so that costs for both the customer and the Board may be reduced by securing low-cost natural gas together with the industrial customer ("Program"); and

WHEREAS, the Public Energy Authority of Kentucky, which was formed pursuant to the Natural Gas Acquisition Authority Act, KRS 353.400 to 353.410, has offered to sell to the Board, pursuant to the Contracts, a supply of natural gas in the quantities on the dates set forth in each Contract, on the condition that PEAK issues its Gas Supply Revenue Bonds, in one or more series the proceeds of which will be used to acquire supplies of natural gas pursuant to one or more Prepaid Natural Gas Sales Agreements with either Morgan Stanley Energy Structuring, L.L.C. or a Delaware limited liability company organized by Morgan Stanley Capital Group Inc.; and

WHEREAS, the Board is a Municipal Utility, as such term is defined in the Contracts, and at its meeting on _____, 2021, adopted a resolution authorizing the execution and delivery of Contracts in the form submitted to the Board, subject to approval of this Council.

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

1. The Memphis City Council hereby approves the execution and delivery of Gas Supply Contracts, substantially in the form previously submitted to the Council and attached hereto as Exhibit A, pursuant to which the Board will agree to purchase specified quantities of natural gas from PEAK with such quantities not to exceed an average of 75,000 MMBtu per day, such deliveries to be made on the dates, at the volumes and for the prices set forth in such Gas Supply Contracts as part of the Program; provided, however, that no Gas Supply Contract shall not be for a term longer than 31 years; provided further that the officers, employees and agents of Memphis Light, Gas and Water, a Division of the City of Memphis, Tennessee ("MLGW") are authorized to elect to continue to purchase gas during any Reset Period during which the discount is less than the Minimum Discount of twenty cents (\$0.20) per MMBtu (all as described in the applicable Gas Supply Contract) if such officers, employees and agents determine such election to be in the best interest of MLGW.

2. The President and CEO or the Vice President of Engineering and Operations of MLGW, are hereby authorized to execute the Contracts and deliver any such other closing documents or certificates which may be required or contemplated in connection with the execution and delivery of the Contracts or carrying out the intent and purpose of this resolution.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 3, 2021

RESOLUTION OF THE BOARD OF LIGHT, GAS & WATER COMMISSIONERS ("BOARD") (i) AUTHORIZING A NEW INDUSTRIAL SALES PROGRAM; (ii) AUTHORIZING THE EXECUTION OF GAS SUPPLY CONTRACTS ("CONTRACTS") WITH THE PUBLIC ENERGY AUTHORITY OF KENTUCKY ("PEAK") FOR THE PURCHASE OF NATURAL GAS FROM PEAK, (iii) ACKNOWLEDGING THAT PEAK WILL ISSUE ITS GAS SUPPLY REVENUE BONDS TO FUND THE PURCHASE OF A SUPPLY OF NATURAL GAS, WHICH GAS WILL BE USED TO MAKE DELIVERIES UNDER THE CONTRACTS; AND (iv) FOR OTHER PURPOSES

WHEREAS, the Board, by resolution adopted October 23, 2019, and the City Council of the City of Memphis, Tennessee (the "City"), convened as the Ratemaking Board of the City, by resolution adopted November 19, 2019, have adopted a Large Industrial Special Sales Service Rate Schedule ("Rate Schedule G-13"), which prescribes authority to the Board to negotiate prepay gas transactions with industrial customers;

WHEREAS, the Board has received a presentation on such new natural gas sales program for large industrial customers to be served under Rate Schedule G-13 that will be mutually beneficial to MLGW and its large industrial customers;

WHEREAS, the Vice President of Engineering and Operations informed the Board of Light, Gas and Water Commissioners that natural gas is available for purchase at a discount to market price from the Public Energy Authority of Kentucky ("PEAK") if Memphis Light, Gas and Water, a Division of the City of Memphis, Tennessee ("MLGW") commits to purchase certain quantities of gas each year during a contract term not to exceed 31 years.

WHEREAS, the Board operates and maintains a municipal gas distribution system and is authorized by the provisions of the Charter of the City of Memphis, Tennessee to acquire, purchase, transport, store and manage supplies of gas necessary to meet the requirements of the residential, commercial and industrial customers served by such system; and

WHEREAS, the acquisition of secure, reliable and economic supplies of natural gas is necessary for the prudent and businesslike operation of the system operated and maintained by the Board, the continued economic development of its community and the promotion of the public health, safety and welfare; and

WHEREAS, the Public Energy Authority of Kentucky which was formed pursuant to the Natural Gas Acquisition Authority Act, KRS 353.400 to 353.410, has offered to sell to MLGW, pursuant to the Contracts, a supply of natural gas in the quantities on the dates set forth in each

Contract, on the conditions that (i) PEAK issues its Gas Supply Revenue Bonds, 2021 Series A (or later) (the "Bonds") the proceeds of which will be used to acquire a supply of natural gas (the "Gas Supply") pursuant to one or more Prepaid Natural Gas Sales Agreements with either Morgan Stanley Energy Structuring, L.L.C. or a Delaware limited liability company organized by Morgan Stanley Capital Group Inc.; and

WHEREAS, MLGW is a Municipal Utility, as such term is defined in the Gas Supply Contracts, and desires to enter into the Contracts with PEAK.

NOW, THEREFORE, BE IT RESOLVED by the Board of Light, Gas & Water Commissioners of MLGW as follows:

1. MLGW shall commence when ready pursuant to Rate Schedule G-13 a new industrial sales program for large industrial customers that currently transport their natural gas on the MLGW system so that costs for both the customer and MLGW may be reduced by MLGW securing low-cost natural gas together with the industrial customer ("Program").
2. Subject to the consent and approval of the Council of the City of Memphis, MLGW hereby approves the execution and delivery of multiple Gas Supply Contracts, in substantially the form previously submitted to the Board and attached hereto as Exhibit A, in quantities necessary to support the Program with such quantities not to exceed an average of 75,000 MMBtu per day, such deliveries to be made on the dates, at the volumes and for the prices set forth in such Gas Supply Contract; provided that (i) the form of the Gas Supply Contracts may be revised for Bonds issued under a direct pay taxable bond structure rather than a traditional tax-exempt municipal bond, and (ii) the Gas Supply Contracts shall not be for a term longer than 31 years; provided further that the officers, employees and agents of MLGW are authorized to elect to continue to purchase gas during any Reset Period during which the discount is less than the Minimum Discount of twenty cents (\$0.20) per MMBtu (all as described in the applicable Gas Supply Contract) if such officers, employees and agents determine such election to be in the best interest of MLGW.
3. The President and CEO or the Vice President, Engineering and Operations of MLGW are hereby authorized to execute the Contracts and deliver any such other closing documents or certificates which may be required or contemplated in connection with the execution and delivery of the Contracts or carrying out the intent and purpose of this resolution.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of February 2021, at which a quorum was present.


Secretary - Treasurer

Resolution authorizing the execution of a contract with Public Energy Authority of Kentucky (PEAK) for a new industrial sales program to purchase natural gas, as well as acknowledging PEAK will issue gas supply revenue bonds to fund the purchase of the supply of the natural gas.

- **Allows MLGW to purchase market-priced natural gas less a discount**
- **Gas is sold to our industrial transport customers**
- **Savings to industrial customers as well as MLGW**
- **MLGW does NOT issue bonds**
- **31-year contract**

ADOPTING ORDINANCE

ORDINANCE NO. 5769

An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Memphis, Tennessee; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending such Code; and Providing When such Code and this Ordinance Shall Become Effective

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, the last official code of ordinances was adopted by the City Council on September 1, 1985 pursuant to Ordinance No. 3490 (the "1985 Code");

WHEREAS, the City has contracted with different publishing companies to republish and supplement the 1985 Code, but such republications and supplements have not been reviewed and adopted by the Council as an official code from time to time as suggested by the City's Charter;

WHEREAS, the absence of an official code of ordinances and the use of unofficial republications of the former code with amendments has created confusing and lack of certainty as to the form, content and existence of new and amending ordinances adopted since September 1, 1985;

WHEREAS, due to clerical errors and omissions there have been many instances in which new and amending ordinances adopted since September 1, 1985 have been omitted or misstated in the unofficial republications

of the City's Ordinances;

WHEREAS, the use of numbering systems in the unofficial republications of the former code that are different from that used in the 1985 Code has made placement of new and amending ordinances more difficult and more susceptible to the opinion of the publisher of the republications rather than the intent of the Council.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney have presented this adopting ordinance consisting of the codification of 4 of the 49 Chapters of the 1985 Code and will periodically provide for adoption by the Council supplementary codification ordinances to supplement the codification herein approved.

Be It Ordained by the Council of the City of Memphis That

Section 1. A Code of Ordinances, consisting of Chapters 1 through 49, each inclusive, and the errata thereto, is hereby adopted and enacted as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

Section 2. The Chapters of the 2021 Code will be approved in a series of Codification Adoption Ordinances. As and when chapters of the 2021 Code are approved by

ordinance, such approved chapters shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified chapters or to the extent such ordinances are inconsistent with the provisions of the chapters so codified.

Section 3. The Council does hereby further ordain that the following chapters of the 2021 Code as presented to and considered by the Council are hereby adopted and codified, namely:

Chapter 1—General Provisions

Chapter 2—Administration

Chapter 3—Personnel

Chapter 4—Pension and Retirement System

Section 4. All provisions of the Chapters of the 2021 Code adopted and codified by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. Any and all additions and amendments to the

2021 Code, when passed by ordinance in a form to specifically indicate the intention of the Council to make such additions and amendments a part of the 2021 Code, shall be deemed to be incorporated in the 2021 Code, so that reference to the 2021 Code shall be understood and intended to include such additions and amendments.

Section 6. Three (3) copies of the 2021 Code shall be kept on file in the office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract for the republication of the 2021 Code and supplements as approved by the Council in electronic format through a nationally recognized legal code publication company.

It shall be the express duty of the comptroller or someone authorized by him to insert in such copies and in their designated places all amendments or ordinances which the council has specifically approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for all persons desiring to examine the same.

Section 7. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be published and maintained, in written or electronic

form, by authority of the City of Memphis shall be conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of any chapter of the 2021 Code.

Section 8. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 9. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 11. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:
Council Chairman

PATRICE ROBINSON
CHAIRPERSON

Ordinance No. 5771

SUBSTITUTE ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, MOTOR TRAFFIC AND VEHICLES, ARTICLE III, OPERATION OF VEHICLES GENERALLY TO ADD SECTION 21-134 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, Motor Traffic and Vehicles, Article III, Operation of Vehicles Generally, also referenced as CHAPTER 11-16 "RULES OF THE ROAD" Section 21-134, shall be added and entitled "Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions", as follows:

Sec. 21-134. - 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; performing donuts, burnouts and drifting by a single automobile; 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 a drag racing exhibition, as defined herein;

Participant means any individual who is knowingly present at a 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 violations of this section shall be prosecuted in the same manner as other traffic violations of this Code, shall be initiated upon issuance of a traffic citation ticket subjected to a fine not to exceed \$50.00 and shall require a mandatory court appearance.

(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
Rhonda Logan
Jeff Warren

Chairman
Frank Colvett

Ordinance No. 5774

SUBSTITUTE ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, MOTOR TRAFFIC AND VEHICLES, ARTICLE X, VEHICLE EQUIPMENT AND LOADS TO AMEND SECTION 21-350 (c) AND SECTION 21-350 (f) REGARDING MUFFLERS NOISE

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 21 of the Code of Ordinance regarding Motor Traffic and Vehicles, Article X, Vehicle Equipment and Loads to amend Section 21-350 (c) also referenced as Sec. 11-56-3 "Mufflers" and Section 21-350 (f) also referenced as Sec. 11-56-6 "Manner of enforcement" regarding mufflers as is hereby amended to:

Sec. 21-350 (e). - 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. 21-350 (F) – Manner of Enforcement

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

City court in its discretion may dismiss a traffic citation issued for violation of the offense described in this section if evidence is presented that the muffler has been modified to comply with the requirements under this section.

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

Chairman
Frank Colvett

Ordinance No. 5775

SUBSTITUTE ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, MOTOR TRAFFIC AND VEHICLES, ARTICLE X, VEHICLE EQUIPMENT AND LOADS TO ADD SUBSECTIONS 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, also referenced as Sec. 11-32-15 "Muffler required" and Sec. 11-32-16 "Muffler cutout prohibited" 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 traffic 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

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

2nd Violation - shall be prosecuted in the same manner as other traffic violations of this Code, subjected to a fine not to exceed \$25.00 and shall require a mandatory court appearance.

3rd Violation - shall be prosecuted in the same manner as other traffic violations of this Code, subjected to a fine not to exceed \$50.00 and shall require a mandatory court appearance.

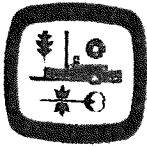
City court in its discretion may dismiss a traffic citation issued for violation of the offense described in this section if evidence is presented that the muffler complies with or has been repaired or modified to comply with the requirements under this section.

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

Chairman
Frank Colvett



City Council Item Routing Sheet

Division Engineering Committee PW, Trans., GS, SW Hearing Date 2-2-21
 District 6 Super District 8

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other:

Item Description :
 Resolution amending the FY21 Capital Improvement Budget by transferring an allocation and appropriating \$362,000.00 in G.O. Bonds - from Traffic Signals, Project Number EN21100 and Traffic Signal Furniture, Fixtures, and Equipment (FY21), Project Number EN01104, to Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105, for a Construction Contract with McCrory Electric.

Recommended Council Action:
 Adopt the resolution. (City Engineering recommends approval)

Status of MWBE planned expenditures funding, if applicable:
 The Goal setting committee set an MWBE participation goal of 8% MBE and 1% WBE. The project will be awarded to McCrory Electric Company who responded with a participation commitment of 11.6% MBE and 12.5% WBE.

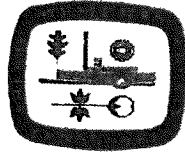
Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:
 NA

Does this item require city expenditure? No \$ Amount <u>\$362,000</u> \$ Revenue to be received <u>\$0.00</u>	Source and Amount of Funds \$ Operating Budget \$0.00 \$ CIP Project # \$362,000 \$ Federal/State/Other \$0.00
---	--

Approvals

R.T. Director W.E. 1/19/21 Date _____
 Budget Manager _____ Date _____
 Chief Financial Officer _____ Date _____
 Deputy Financial Officer _____ Date _____
 Chief Legal Officer _____ Date _____

Chief Administrative Officer _____ Date _____
 Council Committee Chair _____ Date _____



Memphis City Council Summary Sheet

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

This resolution amends the Fiscal Year 2021 Capital Improvement Budget by transferring and appropriating funds for Traffic Signal Improvements to the Intersection of Crump at Danny Thomas.

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

This project is being initiated by the Division of Engineering.

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

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

4. State whether this will impact specific council districts or super districts.

This project will be located in Council District 6 and Super District 8

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

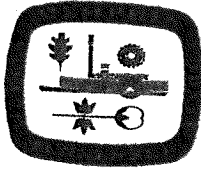
This Traffic Signal project will require a new contract.

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

A new contract and expenditure of funds are required.

7. If applicable, please list the MWBE goal and any additional information needed

The MWBE Goal for this project was set at 8% MBE and 1% WBE



A Resolution appropriating Construction Funds for EN01105 – Traffic Signal Improvements to the intersection of Crump at Danny Thomas

WHEREAS, the Council of the City of Memphis did include Traffic Signals, Project Number EN21100 as part of the Engineering Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, bids were taken on December 16, 2020 for Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, with the lowest complying bid being \$352,227.47 submitted by McCrory Electric; and

WHEREAS, it is necessary to transfer an allocation of \$300,000.00 funded by G.O. Bonds – from Traffic Signals, Project Number EN21100 to Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105; and

WHEREAS, it is necessary to transfer \$62,000.00 in previously appropriated G.O. Bond funding – from Traffic Signal Furniture, Fixtures, and Equipment (FY21), Project Number EN01104 to Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105; and

WHEREAS, it is necessary to appropriate \$362,000.00 funded by G.O. Bonds in Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105 as follows:

Contract Amount	\$352,227.47
Project Contingencies	<u>\$9,772.53</u>
Total Amount	\$362,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$300,000.00 funded by G.O. Bonds from Traffic Signals, Project Number EN21100 and \$62,000.00 in previously appropriated funding from Traffic Signal Furniture, Fixtures, and Equipment (FY21), Project Number EN01104 to Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$362,000.00 funded by G.O. Bonds and chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title	Traffic Signal Improvements to the Intersection of Crump at Danny Thomas
Project Number	EN01105
Total Amount	\$362,000.00

Council Resolution Caption (Traffic Signal Improvements (Crump @ Danny Thomas) EN01105)

A Resolution amending the FY21 Capital Improvement Budget by transferring an allocation and appropriating \$362,000.00 in G.O. Bonds – for Traffic Signal Improvements to the Intersection of Crump at Danny Thomas, Project Number EN01105, for a Construction Contract with McCrory Electric.



Memphis City Council Summary Sheet

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

Resolution to transfer: 1) \$1,510,915 from GS18104 (\$298,430); GS18105 (\$626,680); GS19101 (\$165,000); GS19102 (\$99,715); GS19104 (\$121,090); and GS19105 (\$200,000) to CD01101-Raleigh Vehicle Repair Shop; AND 2) \$156,329 of capital acquisition (CAO) funding from GS0219C to GS0221C.

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.

N/A

4. State whether this will impact specific council districts or super districts.

Funding will be applied to expenditures for items used in all council districts (and both super districts). However, the Raleigh Vehicle Repair Shop is located in District 1, Super District 9.

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

N/A

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

This resolution authorizes the transfer of unspent appropriated funding from completed projects to new/current (FY21) projects whereby expenditures are being made in Fiscal Year 2021.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



RESOLUTION

To transfer \$1,510,915 appropriated funding from six completed General Services projects to CD01101-Raleigh Vehicle Repair Shop and \$156,329 available Capital Acquisition funding from GS0219C to GS0221C

WHEREAS, for the betterment of the community, it is the Administration's objective to complete new projects that are ready for construction and/or for continued improvement in a timely manner; and

WHEREAS new and existing projects that have completed their design phase are ready for construction and/or continued improvement; and

WHEREAS several projects, which had previously been funded, have reached completion; and

WHEREAS various Capital Improvement Program (CIP) projects retain unspent allocations or unencumbered appropriations that are sufficient and available for other uses; and

WHEREAS the Administration has determined that additional funding is needed for Project #*CD01101-Raleigh Vehicle Repair Shop*; and

WHEREAS additional costs, totaling \$1.5 million, for the "Raleigh Vehicle Repair Shop" have been reasonably estimated; and

WHEREAS an estimated \$100,000 is needed to acquire additional cars for Fleet Services; and

WHEREAS available funding for the projected additional costs for the “Raleigh Vehicle Repair Shop” has been identified in six completed projects: *GS18104-FY18 Major Mod-Asphalt*; *GS18105-FY18 Major Mod-Plumbing*; *GS19101-FY19 Major Mod-Roofing*; *GS19102-FY19 Major Mod-Electric*; *GS19104-FY19 Major Mod-Carpentry*; and *GS19105-FY19 Major Mod-Asphalt*; and

WHEREAS available funding for the acquisition (including contingencies) of additional cars for Fleet Services has been identified in a prior year Capital Acquisition (CAQ) project, *GS0219C-FY19 CAQ-Public Works*; and

WHEREAS it is necessary to transfer \$1,510,915 of appropriated funding from the six General Services projects cited above to *CD01101-Raleigh Vehicle Repair Shop*; and

WHEREAS it is necessary to transfer \$156,329 of appropriated funding from *GS0219C-FY19 CAQ-Public Works* to *GS0221C-FY21 CAQ-Public Works*;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 CIP Budget be amended as follows:

1. Transfer allocations and appropriations totaling **\$1,510,915** from Projects GS18104-FY18 Major Mod-Asphalt (\$298,430); GS18105-FY18 Major Mod-Plumbing (\$626,680); GS19101-FY19 Major Mod-Roofing (\$165,000); GS19102-FY19 Major Mod-Electric (\$99,715); GS19104-FY19 Major Mod-Carpentry (\$121,090) and GS19105-FY19 Major Mod-Asphalt (\$200,000) to Project #CD01101-Raleigh Vehicle Repair Shop for **Contract Construction**.
2. Transfer allocations and appropriations totaling **\$156,329** from GS0219C-FY19 CAQ-Public Works to GS0221C-FY21 CAQ-Public Works for **Vehicles CAP**.



City Council Item Routing Sheet

Division Housing & Community Development Committee HCD Hearing Date 9/15/2020

District 4 Super District 8

Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other:

Item Description:
 Resolution to appropriate \$4,000,000.00 of G.O. Bond allocations in the FY 2021 Capital Improvement Program Budget for the Fairgrounds Redevelopment Phase II.

Recommended Council Action:

Status of MWBE planned expenditures funding, if applicable:
 The redevelopment of the Fairgrounds involve multiple contracts for professional services and one construction contract. The MWBE goals are set for each contract individually. The 3 primary contracts are: Construction-Turner Construction (Goal 38% MBE and 5% WBE); Architecture-BRG3S Architects (Goal 17% MWBE combined; BRG3S is a certified WBE so th pledge is 100% MWBE (BRG3S has also pledged 29% participation by certified MBEW firm, Innovative Engineering Services)); and Program Management-Fairgrounds Partners, JV (a joint venture between Vieste, LLC and Allworld Project Managment that has been determined by OBDC to have a 48% MBE value).

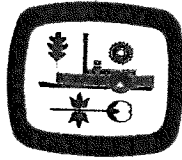
Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:
 No previous actions have been taken by any other entity.

Does this item require city expenditure?	Source and Amount of Funds
\$ - Amount	\$ - Operating Budget
\$ - Revenue to be received	\$ - CIP Project # _____
	\$ - Federal/State/Other

Approvals

Director *Paul A. Young* Date 1-21-21
 Budget Manager _____ Date _____
 Chief Financial Officer _____ Date _____
 Deputy Financial Officer _____ Date _____
 Chief Legal Officer _____ Date _____

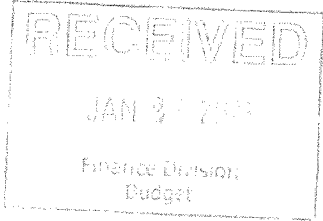
Chief Administrative Officer
 _____ Date _____
Council Committee Chair
 _____ Date _____



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution to appropriate \$4,000,000.00 of G.O. Bond allocations in the FY 2021 Capital Improvement Program Budget for the Fairgrounds Redevelopment Phase II.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
The Division of Housing and Community Development
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
Not applicable.
- 4. State whether this will impact specific council districts or super districts.**
District 4, Super District 8
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**
New contracts and contract amendments will be required.
- 6. State whether this requires an expenditure of funds/requires a budget amendment.**
Expenditure of funds will be required.
- 7. If applicable, please list the MWBE goal and any additional information needed.**
The redevelopment of the Fairgrounds involve multiple contracts for professional services and one construction contract. The MWBE goals are set for each contract individually. The 3 primary contracts are: Construction-Turner Construction (Goal 38% MBE and 5% WBE); Architecture-BRG3S Architects (Goal 17% MWBE combined; BRG3S is a certified WBE so th pledge is 100% MWBE (BRG3S has also pledged 29% participation by certified MBEW firm, Innovative Engineering Services)); and Program Management-Fairgrounds Partners, JV (a joint venture between Vieste, LLC and Allworld Project Management that has been determined by OBDC to have a 48% MBE value).

T106



City Council Item Routing Sheet

2/2/2021
9/15/2020

Division Housing & Community Development Committee HCD Hearing Date 9/15/2020

District 4 Super District 8

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

Item Description:
Resolution to appropriate \$4,000,000.00 of G.O. Bond allocations in the FY 2021 Capital Improvement Program Budget for the Fairgrounds Redevelopment Phase II.

Recommended Council Action:

Status of MWBE planned expenditures funding, if applicable:
The redevelopment of the Fairgrounds involve multiple contracts for professional services and one construction contract. The MWBE goals are set for each contract individually. The 3 primary contracts are: Construction-Turner Construction (Goal 38% MBE and 5% WBE); Architecture-BRG35 Architects (Goal 17% MWBE combined; BRG35 is a certified WBE so the pledge is 100% MWBE (BRG35 has also pledged 29% participation by certified MBE firm, Innovative Engineering Services)); and Program Management-Fairgrounds Partners, JV (a joint venture between Vieste, LLC and Allworld Project Management that has been determined by OBDC to have a 48% MBE value).

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.

Does this item require city expenditure?	Source and Amount of Funds
\$4,000,000.00 Amount	\$ - Operating Budget
\$ - Revenue to be received	\$ 4,000,000.00 CIP Project # <u>CD02016</u>
	\$ - Federal/State/Other

Approvals

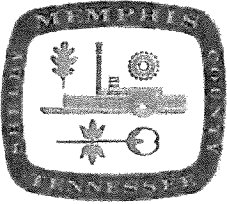
Director Paul A. Young Date 1-21-21 Chief Administrative Officer _____ Date _____

Budget Manager Kamethis Wyatt Date 1/21/2021 _____ Date _____

Chief Financial Officer [Signature] Date 01/25/2021 _____ Date _____

Deputy Financial Officer [Signature] Date _____ Council Committee Chair _____ Date _____

Chief Legal Officer _____ Date _____ _____ Date _____



Resolution to appropriate \$4,000,000.00 of G.O. Bond allocations in the FY 2021 Capital Improvement Program Budget for the Fairgrounds Redevelopment Phase II.

WHEREAS, the City of Memphis is engaged in the second phase of the redevelopment effort of the area formerly known as the Fairgrounds, which has been renamed as Liberty Park, and this phase is centered around the creation of the 230,000-square-foot Memphis Sports and Events Center, along with a mixed-use private development of supportive hospitality, entertainment, and retail (the “Redevelopment”); and

WHEREAS, the Memphis City Council included an allocation of **\$4,000,000.00** for the Fairgrounds Redevelopment Phase II, project number CD02016, as part of the FY2021 Capital Improvement Program Budget; and

WHEREAS, it is now necessary to appropriate said funds to be used for the Redevelopment’s ongoing pre-development work (architecture and engineering design, pre-construction services, and program management) and for the construction of infrastructure improvements to the Liberty Park campus, including but not limited to, improvements to the public rights-of-way within and on the perimeter of the campus, improved landscaping, mass grading, and utility improvements (the “Campus Infrastructure Improvements”), which will support the development of the new Sports and Events Complex;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget allocation of **\$4,000,000.00** for the Fairgrounds Redevelopment Phase II, project number CD02016, is hereby appropriated.

Project: Fairgrounds Redevelopment Phase II

Project #: CD02016

Contract Construction: \$2,800,000.00

A&E: \$1,200,000.00

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at their meeting held January 20, 2021, approved the revisions to the Memphis Light, Gas and Water Division Debt Management Policy.

WHEREAS, this policy which provides written guidelines for the issuance, management, continuing evaluation of and reporting of bonds and other forms of indebtedness by the City of Memphis for the use and benefit of MLGW has been modified to include balloon indebtedness language and updates to the list of continuing disclosure events.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the revised Memphis Light, Gas and Water Division Debt Management Policy is hereby approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 20, 2021

The Secretary-Treasurer submitted for approval of the Board revisions to the Memphis Light, Gas and Water Division Debt Management Policy, attached hereto.

This Policy which provides written guidelines for the issuance, management, continuing evaluation of and reporting of bonds and other forms of indebtedness by the City of Memphis for the use and benefit of MLGW has been modified to include balloon indebtedness language and updates to the list of continuing disclosure events.

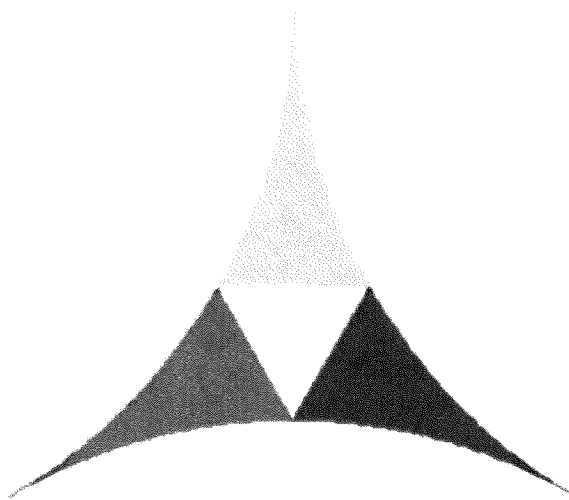
NOW, THEREFORE, BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, the revised Memphis Light, Gas and Water Division Debt Management Policy attached hereto is hereby approved.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 20th day of January, 2021, at which quorum was present.


Secretary - Treasurer

MEMPHIS LIGHT, GAS AND WATER DIVISION



DEBT MANAGEMENT POLICY

Adopted: April 12, 2012

Revised: _____, 2021

Table of Contents

Introduction	1
Policy Statement	1
Scope and Authority	1
Objectives	2
Transparency	2
Tax Status	3
Role of Debt	3
Debt Structure	3
Types of Products	4
Security Structure	5
Duration	6
Balloon Indebtedness	7
Methods of Sale	8
Professional Services	9
Conflicts	13
Credit Ratings and Enhancement	13
Continuing Disclosure	14
Post-Issuance Tax Compliance	15
Modification of the Policy	15
Glossary	16
Exhibit A	19

Introduction

Memphis Light, Gas and Water (“MLGW”) has developed this Debt Management Policy (this “Policy”) to provide written guidelines for the issuance, management, continuing evaluation of and reporting of bonds and other forms of indebtedness by the City of Memphis (the “City”) for the use and benefit of MLGW. The Policy is to be administered in conjunction with, and with reference to provisions of the City’s Charter, Ordinances and Resolutions and State and Federal laws pertaining to the issuance and sale of bonds, notes and other indebtedness.

MLGW recognizes that changes in the capital markets as well as other unforeseen circumstances may from time to time produce situations that are not covered by the Policy and will require modifications or exceptions to achieve policy goals. The Policy is not intended to eliminate the flexibility needed to meet changing market conditions. To the extent that any of the details contained herein conflict with the terms and conditions of existing MLGW contracts, documents and/or agreements as of the effective date of this Policy, such contracts, documents and/or agreements will control.

Policy Statement

It is MLGW’s policy to:

- Promote transparency in its financing transactions;
- Achieve the lowest cost of capital consistent with other policy objectives including taking into account risk tolerance;
- Ensure high credit quality;
- Assure access to the capital credit markets;
- Preserve financial flexibility;
- Manage interest rate risk exposure; and
- Provide the opportunity for local, minority and women owned investment banking, legal firms, and financial firms to participate in the issuance of MLGW’s debt.

Scope and Authority

The Charter of the City of Memphis, Tennessee, as amended by Chapter 381 of the 1939 Tennessee Private Acts, placed control of municipal utility systems then owned and later acquired by the City for the manufacture, production, distribution or sale of electricity, natural and artificial gas or water under the jurisdiction, control and management of MLGW. The City’s Charter authorizes the City’s governing body to incur indebtedness and issue and sell bonds or notes on behalf of MLGW, to such extent and in such manner authorized by statutes of the State. Title 7, Chapter 34 of Tennessee Code Annotated (the “Revenue Bond Law”) establishes the purposes, terms, covenants and conditions of bonds, anticipation notes and other indebtedness that may be issued by the governing body of the City to finance the construction, acquisition, reconstruction, improvement, betterment or extension of its light, gas or water systems or to finance electrical power or gas purchases on a current or long-term purchase basis. The Revenue Bond Law also authorizes the use of revenues derived from its light, gas or water systems for payment of debt service on debt issued thereunder. Other statutes, like Title 9, Chapter 21 of Tennessee Code Annotated may also apply to the issuance and/or refunding of debt for light, gas and water systems. Within this Policy, the term “MLGW” will be used to include all participants in the local approval process for debt

issuance, namely the President (CEO), Chief Financial Officer (CFO) and the MLGW Board.

The Policy shall be reviewed and updated annually. The CFO, with the assistance of MLGW Finance Division staff, shall have the day-to-day responsibility and authority for structuring, implementing, and managing MLGW's debt and finance program.

This Policy does not address price risk management guidelines for the purchase of commodities associated with the operation of MLGW systems, which is a separate policy approved by the Board on December 18, 2008, and subsequently approved by Memphis City Council on January 27, 2009. Copies of the price risk management policy may be secured by contacting the CFO.

Objectives

This Policy should be utilized as a tool to ensure that adequate financial resources are available to support MLGW's fiscal needs and long-term planning objectives. Specifically, the provisions in this document are intended to assist MLGW in the following:

- To guide MLGW in policy and debt issuance decisions;
- To finance capital projects, prepayments, capital leases and other approved debt instruments in a timely and cost-effective manner;
- To ensure compliance with debt issuance authority;
- To achieve and maintain the highest practicable credit ratings;
- To minimize the cost of debt;
- To devise debt service structures that are equal to or less than the estimated useful life of the asset requiring the funding;
- To retain maximum financial flexibility;
- To document responsibility for the oversight and management of debt related transactions;
- To establish criteria and promote prudent financial management for the issuance of debt obligations and the evaluation of debt issuance options;
- To identify legal and administrative limitations on the issuance of debt and ensure the legal use of the Board's debt issuance authority;
- To define the types and appropriate use of debt approved for use within the constraints established by State and Federal law;
- To provide guidance for evaluating refunding candidates or alternative debt schedules;
- To enhance risk management practices;
- To increase transparency, reduce conflicts, and promote cooperation in the debt management process; and
- To maintain the best interest of the ratepayers as a whole.

Transparency

MLGW shall comply with the notice and record keeping requirements of the Tennessee Open Meetings Act, especially with respect to meetings of the Board and the City Council where MLGW debt issuance will be considered. MLGW will cause to be prepared and filed with the Office of State and Local Finance a statement of costs related to the issuance and other information set forth in Section 9-21-151, Tennessee Code Annotated. A duplicate original of this statement shall be presented by the CFO to the Board at its next meeting after the issuance and retained in the official

records of the Board for inspection and copying at the offices of MLGW by any Tennessee citizen upon request in accordance with the Tennessee Public Records Act.

Tax Status

Tax-Exempt - MLGW will usually issue federally tax-exempt debt. Interest on the majority of bonds issued is excluded from the gross income of its owners for federal income purposes. MLGW, along with Bond Counsel, will evaluate all projects to be funded to determine their tax- exempt status. MLGW will make every effort to comply with all State and Federal laws necessary to make interest on bonds exempt from federal income taxation.

Taxable - Certain municipal bonds are taxable because they are issued for purposes that the federal government deems not to provide a significant benefit to the public at large. In certain instances, taxable bonds may also be issued with a subsidy from the federal government for purposes that would otherwise be financed with tax-exempt bonds. MLGW will confer with Bond Counsel to ensure that the debt is given the appropriate tax status.

Role of Debt

Long-term debt may be used for capital purchases or construction identified through the 5-year capital improvement plan, or the applicable Master Plan. Long-term debt may also be utilized for electric and gas prepayment opportunities or other energy cost reduction plans as approved by the Board and City Council. Lease financing may be used where, based on the useful life of the capital equipment, and the terms and conditions of the lease, such financing would prove more economically beneficial to MLGW than traditional debt financing of the capital equipment.

MLGW will strive to minimize the use of debt to finance short-term working capital needs by maintaining adequate working capital and close budget management. However, MLGW may utilize short-term borrowings for specific electric power purchases or gas purchase, storage and delivery applications due to the seasonality of revenue collections for electricity and gas.

Debt Structure

MLGW shall establish the terms and conditions relating to the issuance of all debt and the investment of all debt and bond proceeds pursuant to the terms of MLGW's Investment Policy, and Federal and State law, regulations and guidance. Unless otherwise authorized by MLGW, the CFO may consider the following factors in determining the structure of any proposed debt issuance:

- **Term** - Taking into consideration the limitations of IRS Regulations § 1.148-10(a)(4), the weighted average maturity of the underlying debt issued to finance or refinance capital projects should not exceed 110% of the average reasonably expected useful life of the financed capital projects determined as provided under the Internal Revenue Code. Debt issued to finance working capital expenditures shall not remain outstanding longer than twenty-four months. An exception would be made when following IRS regulations regarding prepayment bonds.
- **Capitalized Interest** - From time to time, certain financings may require the use of capitalized interest from the issuance date until MLGW has beneficial use and/or

occupancy of the financed project. Interest may be financed (capitalized) through a period permitted by Federal law and State statute if it is determined that doing so is beneficial to the financing.

- **Call Provisions** - In general, MLGW's securities may include a call feature approximately ten (10) years or less from the date of delivery of the bonds. All call provisions should be evaluated with reference to prevailing market conditions and MLGW's objectives.
- **Original Issuance Discount/Premium** - Bonds with original issuance discount/premium may be utilized.
- **Deep Discount Bonds** - Deep discount bonds may be utilized to provide a lower cost of borrowing in certain capital markets.

Types of Products

Current Interest Bonds - Current interest bonds are bonds that pay interest periodically and principal at maturity. They may be used for both new money and refunding transactions. Current interest bonds may be structured to meet the objectives of MLGW by reducing the cost of borrowing. They can also be structured to provide a premium or discount.

Zero Coupon Bonds - Zero Coupon Bonds are debt securities that do not pay interest (a coupon) but are traded at a deep discount, accreting (at the rate represented by the offering yield at issuance) to its full value at maturity. Such bonds shall only be recommended in limited situations which meet the objectives of MLGW.

Variable Rate Bonds - Variable Rate Bonds are securities which bear a variable interest rate through the term thereof. Provision as to the calculation or change of variable interest rates shall be included in the authorizing resolution. MLGW will limit its exposure to long-term variable rate debt (excluding variable rate debt which has been swapped to a fixed rate and debt matched to assets) to 25% of the total principal amount of its outstanding long-term debt. Upon issuance of variable rate debt, MLGW will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration. The CFO shall be responsible for monitoring such factors as he deems advisable relative to any variable rate debt. Such factors might include the performance of the remarketing agent, if any, the name and ratings of any letter-of-credit banks or liquidity facility providers, the expiration date of any letter-of-credit or liquidity facility, and the amount of any on-going fees associated with the variable rate debt.

Derivative Products - Derivative products will be considered appropriate in the issuance or management of debt only in instances where it has been demonstrated that the derivative product will either provide a hedge that reduces risk of fluctuations in expense or revenue, or alternatively, where it will reduce total financing cost. If the product requires any contracts with third parties, such as letters of credit or swap agreements, MLGW will enter into contracts with financial institutions that have credit ratings equal to or higher than the credit of the underlying debt or into contracts that require the posting of collateral if financial institutions have credit ratings that are less than the credit of the underlying debt. MLGW generally requires transfers, guarantees or

collateralization in the event of credit downgrades below minimum thresholds. Derivative products will only be utilized after approval of a derivatives policy.

Security Structure

Revenue Bonds - MLGW may issue revenue bonds, where repayment of the debt service obligations of the bonds will be made through revenues generated from specifically designated sources. Revenue bonds will typically be issued for capital projects which can be supported from project or enterprise-related revenue. However, revenue bonds may also be used for specific electric and gas prepay opportunities and hedging wherein MLGW may reduce power and gas costs. Bonds may be either fixed rate bonds – long-term securities with serial and term maturities whereby interest rates are determined when the bonds are sold and are fixed to maturity or variable rate bonds – long-term securities that bear interest at variable rates adjusted at agreed-upon intervals, such as daily, weekly, or monthly.

Refunding Bonds - Refunding bonds are issued to retire all or a portion of an outstanding bond issue. Most typically this is done to refinance at a lower interest rate to reduce debt service. Alternatively, some refundings are executed for reasons other than to achieve cost savings, such as to restructure the repayment schedule of the debt, to change the type of debt instruments being used, or to retire an indenture in order to remove undesirable covenants. In any event, a present value analysis must be prepared by the CFO that identifies the economic effects of any refunding being proposed. However, the target savings amounts listed below are not applicable for refunding transactions that are not solely undertaken to achieve cost savings. In determining whether a refunding is advisable, MLGW shall take into account, among other factors, the level of savings, the call date and final maturity date of the refunded bonds, and projected interest rates relative to historical interest rate levels. The CFO shall have the responsibility to periodically analyze outstanding bond issues to determine whether bonds can be refunded for debt service savings or for reasons other than to achieve cost savings.

The target savings amount shall be measured using the savings as a percentage of par method. The target savings from any particular refunding candidate should generally be greater than 1% of the refunded par amount net of all transaction expenses. The CFO shall have discretion in making the final determination to include individual refunding candidates that are slightly below the target in order to optimize MLGW policy and/or financial objectives. In the event that an interest rate swap or other derivative product is to be used as part of a refunding, the target savings shall be increased to account for any additional ongoing administrative costs, financial risk beyond that of a traditional fixed rate refunding, and loss of future financial flexibility. The target savings for the percentage of par method shall also be a minimum of 1%. A plan for refunding debt issues must be submitted to the Tennessee Comptroller's Office prior to issuance.

Capital Leases - Where lease financing would prove more economically beneficial, MLGW should consider capital leases. The useful life of the asset, the terms and conditions of the lease, and the direct impact on debt capacity and budget flexibility will be evaluated prior to the execution of a lease agreement. Capital or equipment leases may be entered into; however, details of capital or equipment lease agreements must be forwarded to the Comptroller's Office on a specified form within 45 days after authorization by the Board and/or City Council as required.

Duration

Long-Term Debt (maturing after 3 years) - MLGW may issue long-term debt where it is deemed that capital improvements should not be financed from current revenues or short-term borrowings. Long-term borrowing will not be used to finance current operations or normal maintenance. Long-term debt will be self-supporting and structured such that financial obligations do not exceed the average reasonably expected useful life of the financed capital project(s):

- **Serial and Term Bonds** may be issued in either fixed or variable rate modes to finance capital infrastructure projects with an expected life of three years or greater.
- **Capital Outlay Notes** may be issued to finance capital infrastructure projects with an expected life of three to seven years.

Short-Term Debt (maturing within three years) - Where their use is judged to be prudent and advantageous to MLGW, MLGW has the power to enter into agreements with commercial banks or other financial entities for purposes of acquiring lines or letters of credit that shall provide MLGW with access to credit under terms and conditions as specified in such agreements. Any agreements with financial institutions for the acquisition of lines or letters of credit shall be approved by the President or the CFO as designated by the President. Short-term borrowing may be utilized for the construction period of a long-term project or for the temporary funding of operational cash flow deficits or anticipated revenue- shortfalls (defined as an assured source with the anticipated amount based on conservative estimates) subject to the following policies:

- **Bond Anticipation Notes (BANs)**, including commercial paper notes issued as BANs, may be issued instead of capitalizing interest to reduce the debt service during the construction period of a project or facility. The BANs shall not mature more than twenty-four (24) months from the date of issuance. The maturity of BANs can be extended or renewed in accordance with federal law and State statutes. In any event, BANs shall mature within 6 months after substantial completion of the financed facility.
- **Revenue Anticipation Notes (RANs)** shall be issued only to meet cash flow needs consistent with a finding by bond counsel that the sizing of the issue fully conforms to IRS and State law requirements and limitations. RANs shall not mature more than thirty-six (36) months from the date of issuance.
- **Revenue Anticipation Notes—Power Purchases (Power RANs)** may be used to borrow money in anticipation of the collection of revenues from the electric or gas systems for the purpose of financing electrical power or gas purchases, including storage and pipeline capacity costs for any twelve (12) month period. The term of any Power RANs shall be concurrent with the twelve (12) month period for which the financed power was purchased.
- **Lines of Credit** shall be considered as an alternative to other short-term borrowing options, but shall otherwise comply with the rules governing BANs.
- **Interdivisional Loans** shall only be used to fund operational deficiencies among accounts or for capital projects to be paid from current fiscal year revenues. Such interdivisional loans shall only be issued in compliance with state statutes and limitations, MLGW's charter, bond resolutions, and terms and conditions of other contracts and agreements.

- **Other Short-Term Debt** - including commercial paper notes, may be used when it provides an interest rate advantage or as interim financing until market conditions are more favorable to the issuance of debt in a fixed rate mode. MLGW will determine and utilize the least costly method for short-term borrowing. MLGW may issue short-term debt when there is a defined repayment source or amortization of principal. MLGW may choose to issue commercial paper as a source of interim construction financing for projects contained in MLGW's capital plan only after the CFO, in consultation with the Municipal Advisor, determines that such financing represents the least cost interim financing option for MLGW.

All debt listed above is required to be approved by the State of Tennessee Comptroller's Office, the MLGW Board and the Memphis City Council prior to issuance.

Balloon Indebtedness

MLGW may issue bonds that may be classified as "balloon indebtedness" as defined by Public Chapter 766, Acts 2014. Balloon indebtedness ("balloon debt") is a financing in which a large percentage of the total principal of the issue matures in one or several years, usually in the later years of the financing, as opposed to the principal payments being spread more evenly over the life of the issue, or where the bondholders may have the right to require the City and MLGW to purchase the debt prior to maturity (i.e., a put/tender right). Such a balloon debt structure can result in a significant increase in the annual debt service on such an issue during the years that the larger principal amounts are payable or where a put/tender right is exercised.

MLGW recognizes that balloon indebtedness generally is not in the public interest and, in the absence of the reasons described below, MLGW does not support the issuance of balloon debt for the following reasons:

- It can reduce MLGW's future capacity to issue debt;
- It can reduce MLGW's financial flexibility to meet its future needs; and
- It is likely to be viewed negatively by the rating agencies and investors.

Nevertheless, balloon indebtedness can be beneficial to MLGW in certain circumstances, particularly when reviewed in the overall context of all of MLGW's outstanding debt. The following examples provide situations in which MLGW may consider the issuance of debt structured in a manner that would be classified as "balloon indebtedness" under Tennessee law. It should be noted that these examples specifically do not include a goal of simply delaying the repayment of principal on an issue for an extended period of time. Balloon debt may be considered, but is not limited to, the following:

- In the case of issuing new bonds to fund commodity purchases (e.g., electricity, natural gas, etc.), MLGW desires the flexibility to consider financing structures and products that could serve the public's interest by matching annual debt service payments with the delivery of annual purchases of electricity or natural gas through a prepayment transaction that permits the provision of energy commodities at a discount to spot market prices.

- In the case of issuing new bonds to fund large extraordinary and non-recurring capital projects with extended construction periods (e.g., electric power generation and transmission facilities), a balloon debt structure could potentially enable MLGW to structure the debt service to better match the anticipated revenues to be received following the completion of such projects.
- In the case of a refunding issue, the principal payments on the refunding bonds could be scheduled to occur in the same years as the principal payments on the refunded bonds, and the average life of the refunding bonds will be shorter than the average remaining life of the bonds to be refunded and the debt service savings resulting from refunding will be approximately level during the principal repayment period of the refunding bonds.

In any of the cases described above where issuance of balloon indebtedness could be beneficial, and MLGW considers the issuance of debt structured as balloon indebtedness as defined under Tennessee law, MLGW will determine if it is in the public's best interest to issue such balloon indebtedness. In that regard, MLGW will ensure that any projected revenues used to secure the debt will:

- Be sufficient to pay for the debt being considered;
- Be sufficient to pay all of its other operating expenses and outstanding debt service secured by the same projected revenues; and
- Not hinder MLGW's ability to fund future capital needs or to fund future debt service in a level debt service structure.

MLGW will also consider:

- The possible reduction of MLGW's future debt capacity within the current projected revenue stream; and
- The flexibility to use future revenues for other purposes.

If MLGW determines it is in the public interest to issue balloon debt, MLGW's CFO will present a Plan of Balloon Indebtedness to the Office of State and Local Finance for approval in accordance with T.C.A. Section 9-21-134 prior to the adoption of any authorizing resolution for debt structured as balloon indebtedness.

Methods of Sale

Competitive - In a competitive sale, the bonds or other indebtedness shall be awarded to the bidder providing the lowest true interest cost as long as the bid adheres in all material respects to the requirements set forth in the official notice of sale.

Negotiated - MLGW recognizes that it has greater flexibility to tailor its financing needs and cost saving objectives through negotiation. In a negotiated sale, the underwriter(s) will be chosen prior to the sale and the interest rate and underwriter's fees will be negotiated prior to the sale. The factors to be considered for a negotiated sale include the following:

- Volatility of market conditions;
- Size and complexity of the bond sale;
- Market conditions are such that it is anticipated that a limited number of bidders would participate;
- Credit strength;
- In the case of a refunding, timing and interest rate sensitivity;
- Whether the bonds are structured in a manner that is not conducive to competitive sale (e.g. variable rate bonds); and
- MLGW will negotiate rates that are favorable to the organization.

Private Placement - From time to time, the Governing Body may elect to privately place its debt. Such placement shall only be considered if this method is expected to result in a cost savings to MLGW relative to other methods of debt issuance.

Professional Services

All professionals to be retained by MLGW shall be approved by the Board upon recommendation of the CFO or General Counsel, as appropriate. In the procurement of professional services for MLGW debt transactions, MLGW will consider as factors, in evaluating the qualifications of all firms seeking to participate on MLGW debt transactions, a firm's experience, expertise, cost, ability to perform the work on time and within budget and a firm's demonstrated commitment to diversity in hiring and/or any documented best efforts utilized by a firm or firms which provide opportunities for qualified local, minority and women owned investment banking, legal, and financial firms. Any information or documentation obtained by MLGW from interested professionals considered for participation on a debt transaction shall be available for review.

MLGW shall require all professionals engaged in the process of issuing debt to clearly disclose in writing all compensation and financial arrangements related to services provided or to be provided in the debt issuance transaction to both MLGW and the underwriter, the lender or the conduit issuer, if any. This includes "soft" costs or compensation in lieu of direct payments.

Municipal Advisor - MLGW shall enter into a written agreement with each person or firm serving as municipal advisor in debt management and transactions. Whether in a competitive or negotiated sale, the municipal advisor shall not be allowed to bid on, privately place, or underwrite an issue for which they are or have been providing advisory services for the issuance.

Significant consideration will be given to the proposed fee structure and estimated costs, but price will not be the sole determining factor.

A municipal advisor will be employed to aid in the following:

- To perform all the duties customarily performed by financial consultants in connection with the public offering of municipal securities;
- To proceed immediately with investigation, studies and planning for the purpose of formulating a sound plan of financing by structuring the right kind and size of deal that is in accordance with the authorization and desires of MLGW;
- In the case of a competitive sale, to prepare and distribute to prospective investors, financial

- institutions and bidders an Official Statement and the Official Notice of Sale, comprehensive information with respect to any notes or bonds being offered by MLGW, legal documents and other necessary information;
- In the case of a negotiated sale, to assist MLGW in the preparation and distribution of the Official Statement for any debt securities being offered by MLGW, the legal documents and other necessary information;
 - To assist the bond counsel;
 - To assist with the adoption of all resolutions, the publishing of all legal notices and any other matters required for the successful sale and delivery of the indebtedness;
 - To advise MLGW on market conditions and other factors affecting the successful sale of the indebtedness;
 - To establish a wide interest in the debt securities among prospective bond underwriters and investors;
 - To confer with Moody's Investors Service, Inc., Standard & Poor's Corporation, Fitch and/or any other rating service to provide them with complete information regarding MLGW so that they may properly evaluate the quality of the proposed debt securities;
 - To recommend either a competitive or negotiated sale of the debt. If the debt is to be sold at competitive sale, the Municipal Advisor will coordinate the public sale of such securities through a competitive bid process either in person or via Internet. If the debt is to be sold at a negotiated sale, the Municipal Advisor along with the CFO will recommend a managing underwriter to represent MLGW in all of its negotiations with the selected investment banker including the actual pricing of the debt;
 - To assist in soliciting bids for and procuring the services of credit enhancement agencies, banking services and related financial services essential to any alternative forms of financing which MLGW may elect to use. On behalf of MLGW, arrange for the printing, signing and delivery of the securities and to arrange for the printing and delivery of Preliminary and Final Official Statements; and
 - To provide additional financial services to MLGW on an individual, as-needed basis.

Bond Counsel

MLGW shall enter into an engagement letter agreement with each lawyer or law firm representing MLGW in a debt transaction. *(No engagement letter is required for any lawyer who is an employee of MLGW or lawyer or law firm which is under a general appointment or contract to serve as counsel to MLGW. MLGW will not enter into an engagement letter with counsel not representing MLGW, such as underwriters' counsel.)*

The CFO and General Counsel will recommend Bond Counsel to be employed and the duration of the employment for an individual or a series of financings.

Bond Counsel will provide a written legal opinion affirming that MLGW is authorized to issue the proposed indebtedness, that MLGW has met all constitutional and statutory requirements necessary for issuance, that the Bonds are legally binding, that City Council has the power and is obligated to raise rates, if necessary, for the payment of the bonds and interest on such indebtedness, and a determination of the proposed debt's federal income tax status. Bond Counsel shall be selected based on the extensiveness of experience in public finance and tax issues.

Bond Counsel's compensation will be based on a fixed fee schedule and will vary based on the complexity of the transaction.

Bond Counsel will be expected to provide, within 120 days of the closing, to MLGW and the Bond Team an electronic copy of the Transcript of Proceedings, along with a bound copy which will be retained in MLGW's vault.

Underwriters

Any entity engaged to provide underwriting services to MLGW will be required to clearly identify itself in writing as an underwriter and not as a municipal advisor from the earliest stages of its relationship with MLGW regarding a particular issue. The Underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from MLGW's interest.

The CFO shall recommend providers of underwriting services for all debt issues through negotiated or private placement based on the firm's experience and capability. The CFO may develop a proposal solicitation and selection process for negotiated sales. The selection of underwriters may be for an individual or series of financings or a specified time period.

Senior Manager/Co-Manager - The CFO shall recommend a senior manager and/or co-managers for a proposed negotiated sale. The criteria shall include, but not be limited to the following:

- The firm's ability and experience in managing similar transactions;
- Prior knowledge and experience with MLGW;
- The firm's willingness to risk capital and demonstration of such risk;
- The firm's ability to sell bonds; and
- Quality and experience of personnel assigned to MLGW's engagement and financing plan presented.

Co-Manager Selection - Co-managers will be selected on the same basis as the senior manager. In addition to their qualifications, co-managers appointed to specific transactions will be a function of transaction size and the necessity to ensure maximum distribution of MLGW's bonds.

Selling Groups - MLGW may use selling groups in certain transactions. To the extent that selling groups are used, the CFO may make recommendations as to selling groups as the transaction dictates.

Underwriter's Discount - The CFO will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the CFO will determine the allocation of fees with respect to the management fee, if any. The determination may be based upon participation in the structuring phase of the transaction.

All fees and allocation of the management fee will be determined prior to the sale date; a cap on management fee, expenses and underwriter's counsel will be established and communicated to all parties by the CFO. The senior manager shall submit an itemized list of expenses charged to

members of the underwriting group. Any additional expenses must be substantiated.

Evaluation of Underwriter Performance - The CFO, with the assistance of an independent Municipal Advisor, will evaluate each bond sale after completion to assess the following: costs of issuance including underwriters' compensation, pricing of the bonds in terms of the overall interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits.

Following each sale, the CFO shall provide a report to the Board on the results of the sale.

Syndicate Policies - For each negotiated transaction, the CFO will prepare syndicate policies that will describe the priority of orders policies governing the upcoming sale. The CFO shall ensure receipt of each member's acknowledgement of the syndicate policies for the upcoming sale prior to the sale date.

Priority of Orders - To encourage the pre-marketing efforts of each member of the underwriting team, MLGW's bonds will be net designated, unless otherwise expressly stated. MLGW shall require the Senior Manager to:

- Equitably allocate bonds to other managers and the selling group according to orders and designations;
- Comply with Municipal Securities Rulemaking Board (MSRB) regulations governing the priority of orders and allocations; and
- Within 10 working days after the closing date, submit to the CFO a detail of orders, allocations and other relevant information pertaining to the sale.

However, there are times when the type and or complexity of the transaction requires a deviation from net designated. In those cases, the CFO, with the CEO's approval, retains the authority to specify the priority provision to be group net order or member order.

Underwriter's Counsel

The selection of the underwriter's counsel by the lead underwriter shall be made in consultation with the CFO.

Disclosure Counsel

In any negotiated sale of MLGW debt in which legal counsel is required to represent MLGW, in regards to tax compliance, the recommendation to the Board will be made by the CFO and General Counsel. MLGW shall enter into an engagement letter agreement with each lawyer or law firm representing MLGW in a debt transaction. *(No engagement letter is required for any lawyer who is an employee of MLGW. MLGW does not need an engagement letter with counsel not representing MLGW, such as underwriters' counsel.)*

Paying Agent

The CFO shall solicit proposals periodically for paying (escrow) agent services from qualified commercial and trustee banks. The cost of providing such services shall be used by the CFO along with other qualitative measurements, in selection of Paying Agents.

Other Service Providers

The CFO shall periodically solicit for other service providers. Other consultants or vendors may be called upon to provide various services such as:

- Certified Public Accountants - verification of financial data;
- Financial Institutions - provide letter of credit facilities for variable rate issues;
- Printers – to print Official Statements;
- Verification Agents – to verify refunding yields and cash flows;
- Feasibility Consultants – to review financial and operational feasibility of projects and conduct rate studies; and
- Arbitrage Specialists – to track rebate liability.

Conflicts

Professionals involved in a debt transaction, hired or compensated by MLGW, shall be required to disclose in writing to MLGW any existing client and business relationships between and among the professionals to a transaction (including but not limited to municipal advisor, swap advisor, bond counsel, swap counsel, trustee, disclosure counsel, paying agent, underwriter, counterparty, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow MLGW to appreciate the significance of the relationships.

Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct.

Credit Ratings and Enhancements

Rating Agency Relationships

Use of Rating Agencies - The CFO shall be responsible for determining whether or not a rating shall be requested on a particular financing, and which of the major rating agencies shall be asked to provide such a rating.

Minimum Long-Term Rating Requirements - MLGW shall strive to maintain a rating of at least "AA" on its debt. A lower rating standard may be accepted for indirect or conduit obligations, subject to review and approval as stated above in the Scope and Authority Section. MLGW shall (1) communicate regularly with credit analysts each fiscal year, and (2) prior to each competitive or negotiated sale, offer to meet with agency analysts in connection with the sale.

Credit Ratings Table

Risk Profile:	Moody's	Standard & Poor's	Fitch
Prime	Aaa	AAA	AAA
Excellent	Aa	AA	AA
Upper Medium	A	A	A
Lower Medium	Baa	BBB	BBB
Speculative	Ba	BB	BB
Very Speculative	B, Caa	B, CCC, CC	B,CCC, CC, C
Default	Ca, C	D	DDD, DD, D

Use of Credit Enhancement

MLGW shall seek to use credit enhancement (letters of credit, bond insurance, surety bonds, etc.) when such credit enhancement proves cost-effective. Selection of credit enhancement providers shall be subject to a competitive bid process developed by the CFO and/or Municipal Advisor. Credit enhancement may be used to improve or establish a credit rating on a debt obligation even if such credit enhancement is not cost effective if, in the opinion of the CFO, the use of such credit enhancement meets MLGW's debt financing goals and objectives. MLGW will consider the use of credit enhancement on a case-by-case basis, evaluating the economic benefit versus cost for each case. Only when a clearly demonstrable savings can be shown shall enhancement be considered. MLGW will consider each of the following enhancements as alternatives by evaluating the cost and benefit of such enhancement.

Bond Insurance - MLGW shall purchase bond insurance when such purchase is deemed prudent and advantageous. The predominant determination shall be based on such insurance being less costly than the present value of the difference in the interest on insured bonds versus uninsured bonds.

Debt Service Reserve Funds - When advisable, a reserve fund may be used to strengthen the underlying credit of the indebtedness.

Continuing Disclosure

Disclosure - In complying with U.S. Securities and Exchange Commission Rule 15c2-12, MLGW will provide to EMMA certain financial information and operating data no later than 270 days after the fiscal year-end or as designated by the Continuing Disclosure document pertaining to each individual bond financing, and will provide notice of certain enumerated events with respect to the bonds. Such events include:

1. Principal and interest payment delinquencies;
2. Nonpayment-related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers or their failure to perform;
6. Adverse tax opinions or events affecting the tax-exempt status of any bonds;

7. Modifications to rights of bond holders, if material;
8. Bond calls and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of any bonds;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of MLGW or the City;
13. The consummation of a merger, consolidation, or acquisition involving MLGW or the City or the sale of all or substantially all of the assets of MLGW or the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional paying agent or trustee or the change of name of a paying agent or trustee, if material;
15. Incurrence of a financial obligation of MLGW or the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of MLGW or the City, any of which affect bond holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation MLGW or the City; and
17. Failure to provide certain annual financial information and operating data as described.

Post-Issuance Tax Compliance (See Exhibit A)

Generally Accepted Accounting Principles (GAAP) - MLGW will comply with the standard accounting practices adopted by the Financial Accounting Standards Board and the Governmental Accounting Standards Board when applicable.

Modification of the Policy

This Policy is only intended to provide general direction regarding the future use and execution of debt. MLGW, with the approval of the Board and City Council, maintains the right to modify these guidelines. The CFO will present to the Board and City Council any recommendations for any amendments, deletions, additions, improvement or clarification.

This Policy was adopted by the Board on April 12, 2012 and approved by City Council on May 15, 2012.

The amended Policy was approved by the Board on December 19, 2013 and the City Council on January 7, 2014.

The amended Policy was approved by the Board on _____, 2021 and the City Council on _____, 202__.

Glossary

Advisor means an individual or firm with a deep knowledge in a specific area, engaged in the business of advising others. It can include a Financial, Swap, or Program Administrator.

Backloading refers to delaying repayment of principal until the end of the financing term. A standard or default structure for debt service is level debt service payments, similar to a standard home mortgage. Backloading should be considered only when beneficial to the overall structure of debt, upon the occurrence of natural disasters, or when project revenues are not available during the early years of a project.

Bonds are debt instruments issued for a period of one year or longer, usually for permanent financing.

Capital leases or a lease purchase are written agreements allowing the use of property in exchange for payment of funds.

Conduit Entity means a governmental entity or agency that borrows money to lend to another entity, and not to finance a project for itself. Examples of conduit issuers are health and education boards, economic development boards, and public building authorities.

Conflicts of Interest occur in situations where parties in a transaction have multiple interests or relationships that could possibly corrupt the motivation to act. The presence of a conflict of interest indicates the potential for divided loyalty and does not automatically indicate wrong doing.

Costs mean fees and expenses of professionals and service providers and other similar fees and expenses, whether or not payable at the time the debt is incurred. "Costs" also means recurring and nonrecurring fees and expenses during the life of the debt.

Counsel means a legal advisor or attorney, whether an individual or a firm, representing a client. It can include Bond, Disclosure, Issuer, Swap, Tax, or Underwriters Counsel.

Counterparty means the other party or participant in an agreement or contract; usually it refers to the other party in an Interest Rate (or swap) Agreement.

Debt means indebtedness lawfully issued, executed or assumed by a public entity. Debt is created when a public entity agrees to pay over time to someone else, in exchange for receiving an upfront payment or loan or for acquiring an asset. "Security" refers both to debt that can be transferred or delivered to another party, as well to property or assets pledged as collateral for a debt. Common instruments or evidence of debt are: Taxable and Tax-Exempt Notes and Bonds.

Debt service means a series of payments including **interest** (the amount or fee earned or paid for use of money or credit, calculated on the amount of principal) and **principal** (the amount of money borrowed or credit provided) required on a debt over time. The rate of interest can be **variable** or **fixed**.

Federal compliance issues means the ongoing responsibilities of a public entity after issuing debt. If the debt is sold as being "federally tax-exempt," then the entity will have to comply with federal

tax law. If the debt is a “security” for federal securities laws, then the public entity is subject to anti-fraud provisions and possibly is subject to continuing disclosure obligations.

Finance transaction means both debt obligations and derivatives. A derivative is a financial product deriving value from a separate security. This term refers to many different products. “Derivative” includes an Interest Rate Agreement as defined in Tennessee Code Annotated Section 9-22-103 and other transactions as identified by the State Funding Board.

Governing Body means the group of individuals with the authority to make decisions for a public entity, often referred to as the “legislative body.” Governing bodies are subject to the Tennessee Open Meetings Law (requiring public notice and recording of minutes). **Members** are the individuals serving on the governing body.

Group Net means an order that is allocated at the public offering price without deducting the commission. A group net order benefits all syndicate members according to their percentage participation in the account and is normally accorded the highest priority of all orders received during the order period.

Guidelines means the document adopted by the Tennessee State Funding Board providing statutorily required guidance on Interest Rate and Forward Purchase Agreements. The current version became effective November 1, 2009. The Guidelines are available on the internet at <http://www.comptroller1.state.tn.us/sl/lfstfundbd.asp>
<http://tn.gov/comptroller/lf/pdf/SFB%20Guidelines%2010-9%20Final.pdf>.

Lender means an individual or firm who loans a borrower money.

Loans are debt agreements usually with a financial institution such as a local bank or an organized loan program, such as the Tennessee Municipal Bond Fund or the State Revolving Loan Program. Loans are also internal loans between divisions within the entity or seller financed loans.

Member Order means an order submitted by a syndicate member where the securities would be confirmed to that member at syndicate terms.

Maximum total level of debt means the maximum principal amount of debt a public entity will have outstanding at any time, usually for each type of debt issued.

Net designated means an order submitted by a syndicate member on behalf of an investor on which all or a portion of the commission is to be credited to certain members of the syndicate. The investor directs the percentage of the total designation each member will receive.

Notes are debt instruments issued for a short period of time, often for interim financing. Notes may be rolled to bonds. Examples are Capital Outlay Notes, Tax and Revenue Anticipation Notes, Bond Anticipation Notes, and Grant Anticipation Notes.

Paying Agent means an individual or firm that transfers the periodic interest and principal payments from the public entity to the investors.

Professionals means individuals or firms advising or offering to provide professional services to a public entity with respect to a finance transaction. Examples of professionals are Bond Counsel, Underwriter's Counsel, Disclosure Counsel, Verification Agent, Municipal Advisor and Underwriters.

Public Entity is a governmental organization or unit that has a legal existence and is authorized to borrow money or enter into debt. It includes the State, state agencies, local governments, local government instrumentalities, and any other authority, board, district, instrumentality, or entity created by the State, a state agency, local government, a local government instrumentality, or any combination of the above. It does not include legal entities without debt authority, such as a county school board; however, a special school district with debt authority is included.

Registrar means the individual or firm responsible for maintaining a record or list of owners or investors in debt (sometimes referred to as holders of the debt).

Remarketing Agent means the firm responsible for reselling to new investors debt instruments that have been "tendered" for purchase by their holders. The remarketing agent is also responsible for resetting the interest rate for variable rate debt instruments.

Risk refers to the uncertainty (downside) involved in a debt transaction, including investment, business, credit, market, liquidity, operations, tax, and basis risks.

Schedule means the plan listing the amount and when debt service will be paid.

State Funding Board means the state entity whose members are the Governor, the Commissioner of Finance and Administration, the Comptroller, the State Treasurer, and the Secretary of State. The State Funding Board is created by Tennessee Code Annotated Section 9-9-101.

Syndicate means a group of underwriters formed to purchase a new issue of municipal securities from the issuer and offer it for resale to the general public. The syndicate is organized for the purposes of sharing the risks of underwriting the issue, obtaining sufficient capital to purchase an issue and broadening the distribution channels of the issue to the investing public.

Underwriter means the firm that buys new debt for reselling to the public for a profit. The underwriter may acquire the debt either through negotiation or by award on the basis of competitive bidding.

Verification Agent usually means a certified public accountant or other independent third party that determines that the cash flow from investments purchased with proceeds of a refunding debt issue, along with other money, will be sufficient to pay the refunded bonds.

**MEMPHIS LIGHT, GAS AND WATER DIVISION
MEMPHIS, TENNESSEE**

**POST-ISSUANCE COMPLIANCE POLICY AND PROCEDURES
FOR TAX-EXEMPT AND OTHER DEBT OBLIGATIONS**

Statement of Purpose and Scope

This **Post-Issuance Compliance Policy and Procedures for Tax-Exempt and Other Debt Obligations** (this “Policy”) sets forth specific policies and procedures of the **Memphis Light, Gas and Water Division** (“MLGW”) of the City of Memphis, Tennessee (the “City”), designed to monitor post-issuance compliance of tax-exempt obligations and taxable obligations (collectively, the “Obligations”) issued by or on behalf of MLGW with applicable provisions of laws of the State of Tennessee (collectively, “State Law”) and, as to tax-exempt Obligations, applicable provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations promulgated thereunder (the “Treasury Regulations” and, together with the Code and other United States Treasury rulings, revenue procedures and other official announcements, collectively, “Federal Tax Law”).

For the purposes of this Policy, the term “Obligations” includes all Obligations issued by or on behalf of MLGW regardless of the form of Obligations and includes, without limitation, all tax-exempt or taxable bonds, notes, loans and other debt obligations, regardless of whether they are revenue secured Obligations or otherwise secured, regardless of whether they constitute debt subject to Constitutional debt limitations under State Law, and regardless of whether issued by or on behalf of MLGW. Accordingly, for the purposes of this Policy, the term the “Obligations” includes, without limitation, Obligations of the City issued to finance MLGW’s electric, gas and water (collectively, the “Systems,” and individual, the “Electric System,” the “Gas System,” and the “Water System”).

This Policy documents practices and procedures, both existing and to be implemented hereunder, designed to identify on a timely basis facts relevant to monitoring, maintaining and demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order to comply with State Law and, as applicable, in order that the interest on such Obligations be, and continue to be, excludable from gross income for purposes of Federal Tax Law. MLGW recognizes that compliance with applicable provisions of State Law and Federal Tax Law is an on-going process, necessary during the entire term of the Obligations, and is an integral component of MLGW’s overall debt management policies. Accordingly, the analysis of those facts and implementation of this Policy will require ongoing monitoring and may require consultation with bond counsel beyond the scope of its initial engagement with respect to the issuance of the particular Obligations.

Specific post-issuance compliance procedures address the relevant areas described below. The following list and this Policy are not intended to be exhaustive or static, and this Policy shall be re-evaluated and supplemented or amended from time to time by MLGW in consultation with bond counsel and MLGW’s municipal advisor to address existing law in greater detail and address future changes in State Law and Federal Tax Law.

Overview of General Policies and Procedures: The following policies and procedures relate to procedures for monitoring post-issuance compliance generally.

Section 1. The CFO will identify an appropriate MLGW official (currently the Manager of Treasury Management) to be responsible for monitoring MLGW post-issuance compliance for all

Obligations (the “Staff Designee”). The CFO will be responsible for ensuring an adequate succession plan for transferring post-issuance compliance responsibility when changes in MLGW officials and staff and changes in staff organization occur.

Section 2. The Staff Designee will review this Policy and MLGW’s post-issuance compliance procedures and systems on a periodic basis, preferably at least semi-annually, but not less than annually, and preferably following the end of each State legislative session and following any relevant change in Federal Tax Law, will keep a log to document such reviews, and will consult with bond counsel and MLGW’s municipal advisor as appropriate with respect to such reviews and the results thereof.

Section 3. The Staff Designee will coordinate procedures for record retention and review of such records.

Section 4. The Staff Designee will maintain originals or copies of all documents and other records delivered to, by or on behalf of MLGW in connection with the issuance of each issue of Obligations or otherwise relating to the Obligations. If electronic means will be utilized for storage of the documents and records, the Staff Designee will comply with applicable Internal Revenue Service (the “IRS”) requirements, including, without limitation, those contained in Revenue Procedure 97-22.

Section 5. The Staff Designee will review each issue of Obligations for compliance with this Policy on a periodic basis, preferably at least semi-annually, but not less than annually, will keep a log to document such reviews, and will consult with bond counsel and MLGW’s municipal advisor as appropriate with respect to such reviews and the results thereof.

Issuance of Obligations: The following policies and procedures apply to each issue of Obligations.

Section 6. The Staff Designee will:

- A. Prior to issuance, consult with bond counsel and MLGW’s municipal advisor regarding the post-issuance compliance requirements applicable to each issue of Obligations under State Law and Federal Tax Law.
- B. Obtain and store a closing binder and/or CD (or other electronic copy) of the relevant and customary transaction documents as prepared by bond counsel.
- C. As to each issue of tax-exempt Obligations, confirm that bond counsel has filed the applicable information report (e.g., Form 8038 or 8038-G) for such issue with the IRS on a timely basis as required by Federal Tax Law.
- D. Confirm that bond counsel has filed applicable State reports on a timely basis.
- E. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable MLGW officials and staff, including, without limitation, all requisitions for new construction or capital improvements financings.

Arbitrage: The following policies and procedures relate to the monitoring and calculation of arbitrage and compliance with specific arbitrage Federal Tax Law rules and regulations with respect to each issue of tax-exempt Obligations.

Section 7. As applicable, the Staff Designee will:

- A. Obtain a computation of the yield on such issue from MLGW’s municipal advisor

or bond counsel or other relevant third party (e.g., the underwriter for such issue or other arbitrage specialist) and establish and maintain a system for tracking investment earnings.

B. Establish and maintain a procedure for the tracking of expenditures, including the expenditure of any investment earnings, with other MLGW staff and officials, and monitoring all expenditures to maintain compliance with all State Law and Federal Tax Law requirements.

C. Establish and maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement for pre-issuance expenditures.

D. If applicable, identify the applicable “temporary period” (as defined in Federal Tax Law) exceptions for the expenditure of proceeds of the issue, establish and maintain a procedure to monitor compliance with each such “temporary period” exception, and establish and maintain a procedure to monitor compliance with the yield restriction on the investment of such proceeds if such exceptions are not satisfied.

E. If applicable, establish and maintain a procedure to monitor compliance with 6-month, 18-month or 2-year spending exceptions to rebate requirements, as applicable.

F. Establish and maintain a procedure to insure that investments acquired with the proceeds of such issue are permitted under State Law and are purchased at fair market value in accordance with Federal Tax Law, and monitor compliance with such procedure. In determining whether an investment is purchased at fair market value, any applicable Federal Tax Law safe harbor may be used.

G. Establish and maintain a procedure to avoid formal or informal creation of funds or accounts reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.

H. If applicable, establish and maintain a procedure to provide for timely computation and payment of “yield reduction payments” (as such term is defined in Federal Tax Law).

I. Establish and maintain a procedure to identify situations in which compliance with applicable yield restrictions depends upon future investments and monitor implementation of any such restrictions.

J. Establish and maintain a procedure to consult with bond counsel and MLGW’s municipal advisor prior to engaging any post-issuance credit enhancement transactions (e.g., bond insurance and letters of credit) or hedging transactions (e.g., interest rate swaps and caps).

K. Establish and maintain a procedure to procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and pay such rebate liability.

L. In the case of any issue of refunding Obligations, coordinate with bond counsel and MLGW’s municipal advisor and any escrow agent to arrange for the purchase of the refunding escrow securities, obtain a computation of the yield on such escrow securities from the outside arbitrage rebate specialist and monitor compliance with applicable yield restrictions, such as those for advance refunding escrows required by Federal Tax Law.

Private Activity Concerns: The following policies and procedures relate to the monitoring and tracking of private uses and payments with respect to facilities financed with each issue of tax-exempt Obligations financing one or more facilities or other capital improvements (regardless of whether

initially issued as governmental Obligations or private activity Obligations).

Section 8. As applicable, the Staff Designee will:

A. Establish and maintain a procedure to maintain records determining and tracking which specific issues of Obligations financed which facilities and in what amounts.

B. Establish and maintain a procedure to maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earning to expenditures, including the reimbursement of pre-issuance expenditures.

C. Establish and maintain a procedure to monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.

D. Establish and maintain a procedure to maintain records allocating to a facility financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.

E. Establish and maintain a procedure to monitor private use of financed facilities to ensure compliance with applicable percentage limitations on such use. Such monitoring should include, without limitation, the following: (1) procedures to review the amount of any existing private use on a periodic basis, and (2) procedures for identifying in advance any new sale, lease, license, management contract, sponsored research arrangement, or other arrangement potentially involving private use of financed facilities and obtaining of all related documents for review by bond counsel.

F. Consult with bond counsel and MLGW's municipal advisor as to any possible private use of facilities financed by governmental Obligations

F. If any action occurs, notwithstanding the foregoing, that causes tax-exempt Obligations to become private activity bonds as a result of private use of financed facilities and/or private payments for parties utilizing financed facilities, MLGW will promptly consult with bond counsel as to the steps to be take in order to remediate such change in use in accordance with the Treasury Regulations.

Reissuance: The following policies and procedures relate to compliance with Federal Tax Law regarding the reissuance of tax-exempt Obligations.

Section 9. The Staff Designee will:

A. Identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations that potentially could be treated as a reissuance under Federal Tax Law.

B. Confirm with bond counsel whether any "remedial action" in connection with a "change in use" (as such terms are defined under Federal Tax Law) would be treated as a reissuance for tax purposes and, if so, confirm the filing of a new Form 8038-G and any other required filings.

Record Retention: The following policies and procedures relate to retention of records relating to each issue of Obligations.

Section 10. The Staff Designee will:

A. Establish and maintain a procedure to identify, collect and maintain the records to be maintained by MLGW to establish and ensure that an issue remains in compliance with applicable Federal Tax Law and State Law for the life of such issue.

B. Establish and maintain a procedure to identify the provisions in the governing documents for each issue of Obligations imposing specific recordkeeping requirements or report filing requirements, to identify specific staff to be responsible for complying with each such requirement, and to monitor compliance with each such requirement.

C. Establish and maintain a procedure to maintain the following for each issue of Obligations:

1. Basic records relating to the transaction, as generally included in the transcript of closing documents for the Obligations;
2. Documentation evidencing expenditure of proceeds of the Obligations;
3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation;
4. Documentation evidencing use of financed property by public and private entities (e.g., copies of management contracts and research agreements);
5. Documentation evidencing all sources of payment or security for the issue; and
6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).

D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS. While this historically was accomplished through the maintenance of hard copies, records may be kept in electronic format in compliance with applicable requirements of Federal Tax Law and State Law, including, without limitation, IRS Revenue Procedure 97-22.

E. Keep all material records for so long as each issue of Obligations is outstanding (including any refunding issues), plus four (4) years.

F. Maintain a record of all amendments to this Policy.

[End of Policy]

Encouraging all City of Memphis government agencies to support American and local manufacturers

WHEREAS, on January 25, 2021, President Biden signed an Executive Order entitled “Ensuring the Future Is Made in America, by Americans — All of American Workers” to support American manufacturers, businesses, and workers; and

WHEREAS, this Executive Order will ensure the federal government is investing taxpayer dollars in American businesses on American made goods by American workers; and

WHEREAS, the Memphis City Council expresses its support for sustainable and equitable commerce and economic development and finds it vitally important to support American and local manufacturers; and

WHEREAS, American and local manufacturers provide businesses with essential employment opportunities and contribute to the character and unique identity of the United States and our local community; and

WHEREAS, the Memphis City Council recognizes the important role that American and local manufacturers have in the diversity and sustainability of our economy and is strongly committed to growing our local business base; and

WHEREAS, the Memphis City Council intends that City funds are spent ethically and promote local economies both domestically and abroad whenever possible; and

WHEREAS, the City of Memphis has the opportunity to lead by example and present a model of economic, environmental, and social responsibility and sustainability.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council encourages all local government agencies to invest taxpayer dollars in American and local manufacturers.

BE IT FURTHER RESOLVED that the Memphis City Council urges local government agencies to make an effort to buy from our local manufacturers to provide consumers and businesses with the opportunity to make a positive economic, social, and environmental impact locally and in communities around the world.

Sponsor
Chase Carlisle

Chairman
Frank Colvett

MINUTES

**TELEPHONIC MEETING OF JANUARY 26, 2021 RECESSED MEETING TO
FEBRUARY 2, 2021 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS**

JANUARY 26, 2021

3:30 P.M. MEETING RECONVENED

(After the meeting was re-opened for the transaction of business and a quorum was declared present, Councilman Smiley made a motion to adjourn the January 26, 2021 City Council Meeting; this was second by Councilman Warren, without objection.)

(Chairman Colvett adjourned the January 26, 2021 City Council Meeting being that there wasn't any unfinished business, without objection.)

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, January 26, 2021 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

ADJOURNED MEETING AT 3:31 p.m.

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

Attest:

CHAIRMAN

Deputy Comptroller/Council Records

MINUTES
TELEPHONIC MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

February 2, 2021

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Michalyn Easter-Thomas, Edmund Ford, Sr., Cheyenne Johnson, Martavius Jones, Rhonda Logan, Worth Morgan, Patrice Robinson, JB Smiley, Jr., Jeff Warren and Chairman Frank Colvett, Jr. Jamita Swarengen was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with telephonic prayer by Pastor Damon Conley of Brown Missionary Baptist Church. Councilman Carlisle thanked Pastor Conley for being the Chaplain of the Day.

Chairman Colvett asked Councilman Jones to lead the Pledge of Allegiance.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

Approval of the Minutes of the regular meeting of January 26, 2021 with the following motion:

MOTION: Smiley
SECOND: Warren
AYES: Canale, Carlisle, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren and Chairman Colvett
Swarengen was absent

APPROVED

15. **ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5769 IS SPONSORED BY COUNCILWOMAN ROBINSON. (HELD FROM 1/26)**

Held until February 16, 2021

16. **SUBSTITUTE ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES CHAPTER 21, MOTOR TRAFFIC AND VEHICLES, ARTICLE III, OPERATION OF VEHICLES GENERALLY TO ADD SECTION 21-134 TO BE ENTITLED “NON-DRIVER PARTICIPATION IN DRAG RACING AND RECKLESS DRIVING EXHIBITIONS”, TO SET PENALTIES FOR VIOLATIONS AND FOR OTHER PURPOSES, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5771 IS SPONSORED BY COUNCILMAN CANALE, COUNCILMAN LOGAN AND COUNCILMAN WARREN.**

Held until February 16, 2021

17. **SUBSTITUTE ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES CHAPTER 21, MOTOR TRAFFIC AND VEHICLES, ARTICLE X, VEHICLE EQUIPMENT AND LOADS, TO AMEND SECTION 21-350(C) AND SECTION 21-350(F) REGARDING MUFFLERS NOISE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5774 IS SPONSORED BY COUNCILMAN CANALE.**

Held until February 16, 2021

18. **SUBSTITUTE ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES, CHAPTER 21, MOTOR TRAFFIC AND VEHICLES, ARTICLE X, VEHICLE EQUIPMENT AND LOADS TO ADD SUBSECTIONS 21-335(B) AND SECTION 21-336(B) REGARDING MUFFLER VIOLATIONS AND PENALTIES, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5775 IS SPONSORED BY COUNCILMAN CANALE.**

Held until February 16, 2021

Chairman Colvett recognized Councilwoman Easter-Thomas to highlight Miriam DeCosta Willis as the First Black Professor at the University of Memphis in recognition during Black History Month.

14. **APPOINTMENT**

MEMPHIS CONVENTION CENTER COMMISSION

REAPPOINTMENT

LEE A. JACKSON

MOTION: Carlisle

SECOND: Morgan

AYES: Canale, Carlisle, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren and Chairman Colvett
Swearengen was absent

APPROVED

- 1. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 3681 HAWKINS MILL ROAD, CONTAINING +/-12.95 ACRES LOCATED IN THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 20-17

Held until February 16, 2021

- 2. **ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010 AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT AND THE LAND USE CONTROL BOARD. THIS TEXT AMENDMENT AFFECTS ALL PROPERTY WITHIN THE CITY OF MEMPHIS AND UNINCORPORATED SHELBY COUNTY, UP FOR T H I R D AND F I N A L READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. ZTA 20-01
ORDINANCE NO. 5772

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, Zoning Administrator – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

LUCB and DPD recommendation: APPROVAL

MOTION: Canale

SECOND: Carlisle

AYES: Canale, Carlisle, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan,

Robinson, Smiley, Warren and Chairman Colvett
Swearengen was absent

APPROVED

- 3. **ORDINANCE REZONING CERTAIN PARCELS ADJACENT TO SUMMER BETWEEN: HOLMES AND SEVIER, AND NOVARESE AND STRATFORD, IN THE COMMERCIAL MIXED USE – 3 DISTRICT, UP FOR T H I R D AND F I N A L READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. Z 20-10
ORDINANCE NO. 5773

Applicant: Department of Comprehensive Planning of the Division of Planning
and Development
Ashley Cash – Representative

Request: Comprehensive Rezoning of Summer between: 1) Holmes and Sevier
and 2) Novarese and Stratford

LUCB and DPD recommendation: APPROVAL

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

APPROVED

- 23. **RESOLUTION TO AMEND THE DEBT MANAGEMENT POLICY. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

24. **RESOLUTION APPROVING “ACCELERATE MEMPHIS: INVEST IN NEIGHBORHOODS” A PLAN TO INVEST IN COMMUNITY PROJECTS, TO ACTIVATE NEIGHBORHOODS, IMPROVE PARKS AND REVITALIZE CITY ASSETS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

25. **RESOLUTION REQUESTING THAT THE ADMINISTRATION ALLOCATE \$2,000.00 A YEAR TO THE MEMPHIS, LIGHT, GAS AND WATER VOTER EDUCATION PROGRAM, TO PROVIDE VOTER REGISTRATION INFORMATION TO RESIDENTIAL ACCOUNT HOLDERS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CANALE, COUNCILMAN CARLISLE, CHAIRMAN COLVETT, COUNCILWOMAN EASTER-THOMAS, COUNCILMAN FORD, COUNCILWOMAN LOGAN, COUNCILWOMAN ROBINSON, COUNCILMAN SMILEY AND COUNCILMAN WARREN. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

26. **RESOLUTION REQUESTING THE CITY OF MEMPHIS TRANSFER ITS OWNERSHIP RIGHT AND INTEREST IN 36 PARCELS LOCATED IN THE UPTOWN TIF ZONE TO THE COMMUNITY REDEVELOPMENT AGENCY REVENUE TO BE RECEIVED \$50.00 FOR 36 SURPLUS PARCELS FOR A TOTAL OF \$1,800.00. COUNCIL DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

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

APPROVED

27. **RESOLUTION TO ACCEPT, ALLOCATE AND APPROPRIATE AN ADDITIONAL \$3,344,601.00 IN GRANT FUNDS FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION, FOR THE COBBLESTONE LANDING PROJECT, GA01004. THIS RESOLUTION IS SPONSORED BY ENGINEERING DIVISION AND THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Smiley

SECOND: Johnson

AYES: Canale, Carlisle, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren and Chairman Colvett
Swearengen was absent

APPROVED

22. **RESOLUTION TO SUPPORT A GROUP VIOLENCE INTERVENTION PROGRAM. THIS RESOLUTION IS SPONSORED BY COUNCILMAN WARREN. (HELD FROM 12/01; 12/15; 1/5; 1/26)**

MOTION: Warren

SECOND: Canale

AYES: Canale, Carlisle, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren and Chairman Colvett
Swearengen was absent

APPROVED

CONSENT AGENDA – Items #4 - #7 may be acted upon by one motion: See Page 5883 for Roll Call Consent Items.

4. **ORDINANCE OF THE CITY OF MEMPHIS, CODE OF ORDINANCES TO AMEND CHAPTER 5 "ANIMALS AND FOWL" TO CREATE ARTICLE V TO RESTRICT THE "RETAIL SALE OF DOGS AND CATS AT PET STORES", UP FOR F I R S T READING. ORDINANCE NO. 5777 IS SPONSORED BY COUNCILMAN MORGAN, COUNCILMAN WARREN AND THE ADMINISTRATION.**

APPROVED, on First reading

5. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 33, DIVISION IV, TO MODIFY SECTION 33-62 RELATED TO THE SEWER DEVELOPMENT FEE, UP FOR F I R S T READING. ORDINANCE NO. 5778 IS SPONSORED BY PUBLIC WORKS DIVISION.**

APPROVED, on First reading

6. **ORDINANCE TO AMEND CITY OF MEMPHIS CODE OF ORDINANCES, CHAPTER 33, DIVISION IV, TO MODIFY SECTION 33-65 RELATED TO THE SEWER**

EXTENSION FEE, UP FOR F I R S T READING. ORDINANCE NO 5779 IS SPONSORED BY PUBLIC WORKS DIVISION.

APPROVED, on First reading

7. **ORDINANCE ZONING THE NORTH SIDE OF EAST HOLMES STREET APPROXIMATELY 923 FEET EAST OF THE CENTERLINE OF LAMAR AVENUE; CONTAINING +/-4.89 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT, UP FOR S E C O N D READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. Z 20-11

APPROVED, on Second reading

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT AGENDA – Items #8 - #13, may be acted upon by one motion:

8. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12254 (FORMERLY PURCHASE ORDER NO. 449343), WITH VENTUREFORTH, INC. IN THE FUNDED AMOUNT OF \$142,390.00. (THIS CHANGE IS TO RATIFY AND RENEW ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT SERVICES FOR MULTIPLE VENTUREFORTH SOFTWARE PRODUCTS COVERING DECEMBER 17, 2020 THROUGH DECEMBER 16, 2023. THE PURCHASE ALSO INCLUDES THE VSTORES IPHONE APPLICATION SUBSCRIPTION FOR ORACLE EBS, ANNUAL SUBSCRIPTION FOR 100 USERS, FOR THE PERIOD COVERING JULY 30, 2021 THROUGH JULY 29, 2024.)**

APPROVED

9. **RESOLUTION AWARDDING CONTRACT NO. 12163; ELECTRIC DISTRIBUTION, CONSTRUCTION AND MAINTENANCE TO DAVIS H. ELLIOTT CONSTRUCTION COMPANY, INC., IN THE FUNDED AMOUNT NOT-TO-EXCEED \$55,254,992.00.**

APPROVED

10. **RESOLUTION APPROVING THE PAYMENT OF AN INVOICE FOR THE 2021 ANNUAL MEMBERSHIP DUES PLUS LOCATE REQUEST TICKETS FROM TENNESSEE ONE CALL SYSTEM IN THE AMOUNT OF \$130,589.80.**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11927, VOICE AND DATA SERVICES WITH AT&T IN THE FUNDED AMOUNT OF \$636,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR A 24 MONTH PERIOD; COVERING JULY 1, 2021 THROUGH JUNE 30, 2023 WITH NO INCREASE IN RATES FROM THE PREVIOUS TERM.)**

APPROVED

12. **RESOLUTION AWARDING A PURCHASE ORDER TO ENGINEERED SEALING COMPONENTS, LLC. FOR FIBER OPTIC 192 A.D.S.S. CABLE IN THE AMOUNT OF \$104,976.00.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11560, PROFESSIONAL DESIGN SERVICES FOR FABRICATION AND REPAIR SHOP DESIGN, WITH THE CRUMP FIRM, INCORPORATED, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$499,650.00, BASED ON AGREED UPON RATES. (THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT EXPIRATION DATE AN ADDITIONAL FIVE YEARS FOR THE PERIOD COVERING APRIL 12, 2021 THROUGH APRIL 11, 2026)**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

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

APPROVED

19. **RESOLUTION REQUESTING APPROVAL OF THE SALE OF A CITY OWNED PARCEL KNOWN AS 1418 WILLIE MITCHELL BLVD. PARCEL ID # 025061 00033 MEMPHIS, TENNESSEE 38106, IN THE AMOUNT OF \$2,500.00. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES DIVISION.**

MOTION: Smiley

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

APPROVED

20. **RESOLUTION TO AMEND HOUSING AND COMMUNITY DEVELOPMENT'S FEDERAL BUDGET BY APPROPRIATING THE EXPENDITURES AND REVENUES FOR THE 2020-2021 LOW-INCOME HOMEENERGY ASSISTANCE PROGRAM WEATHERIZATION GRANT, IN THE TOTAL AMOUNT OF \$669,384.44 FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM WEATHERIZATION. THIS RESOLUTION IS SPONSORED BY HOUSING AND COMMUNITY DEVELOPMENT.**

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

APPROVED

21. **RESOLUTION TO TRANSFER AND APPROPRIATE CONSTRUCTION FUNDS IN THE AMOUNT OF \$1,332,320.00 CIP PROJECT # SW20203, TO REPLACE AN EXISTING SLUDGE LINE AT THE TE MAXSON WWTF. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

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

APPROVED

(Special Item #1 – Councilman Smiley made a motion to approve Same Night Minutes for Items #23 - #27, from tonight's meeting.)

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

APPROVED

Vice Chairwoman Swearingen read the speaker cards from the following people:

Joe Kent, 5111 Flamingo Rd., Memphis, Tennessee, 38117

(Councilman Carlisle made a motion to recess the February 2, 2021 meeting until February 16, 2021; this was second by Councilman Warren.)

RECESSED MEETING AT 5:00 p.m.



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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, February 2, 2021, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

INSTRUCTIONS OF STEPS TO VIEW THE FEBRUARY 2, 2021 MEMPHIS CITY COUNCIL MEETING

Take notice, the Memphis City Council will meet on **Tuesday, February 2, 2021 at 8:00 a.m.** However, due to Coronavirus disease (COVID-19) health and safety concerns, the public is not permitted to attend the meeting in-person. Instead, the public is permitted to participate in the meeting in the following manner: (I) Electronically, via live-stream, (II) Radio, via 88.5 FM (WQOX), and (III) Electronically, via digital archive.

A. Electronically, via live-stream

To view the Tuesday, February 2, 2021 Memphis City Council meeting electronically, via live-stream, follow the steps below:

- (1) Access the internet,
- (2) Go to the Memphis City Council's "Watch Meetings Online" page at <https://www.memphistn.gov/cms/One.aspx?portalID=11150816&pageID=15334953>
- (3) At 8:00 a.m., click on the February 2, 2021 Memphis City Council meeting
- (4) Begin viewing the February 2, 2021 Memphis City Council meeting electronically via live-stream
- (5) Click on the February 2, 2021 "Agenda" tab to view the agenda documents

B. Radio, via 88.5 FM (WQOX)

To listen to the Tuesday, February 2, 2021 Memphis City Council meeting by radio, via 88.5 FM (WQOX), follow the steps below:

- (1) Access a radio with FM-capabilities,
- (2) At 3:30 p.m., turn the radio dial to 88.5 FM (WQOX),
- (3) Begin listening to the February 2, 2021 Memphis City Council meeting by radio via 88.5 FM (WQOX)

C. Electronically, via digital archive

To listen to the Tuesday, February 2, 2021 Memphis City Council meeting electronically, via digital archive, follow the steps below:

- (1) Access the internet **after** the February 2, 2021 Memphis City Council meeting,
- (2) Go to the Memphis City Council's "Archived Videos" page at https://www.memphistn.gov/government/city_council/watch_public_meetings_online/city_council_archived_videos
- (3) Press play on the February 2, 2021 "City Council Full Meeting" tab
- (4) Begin viewing the February 2, 2021 Memphis City Council meeting electronically via digital archive
- (5) Click on the February 2, 2021 "Agenda" tab to view the agenda documents
- (6) Click on the February 2, 2021 "Minutes" tab to view the meeting minutes

Note: Public comments may be submitted to the Memphis City Council. To submit your public comment, **click here**. For more information, call (901) 636-6786.

Thank you for your patience during this time. We look forward to continuing our work on your behalf as a thirteen-member council working to make Memphis a safe, healthy, and prosperous city for all.

With earnest appreciation,



Frank Colvett, Jr.
Chairman, Memphis City Council