



Memphis City Council Summary Sheet

Resolution to accept \$500,000 from Valero Tennessee Refinery to fund a Supplemental Environmental Project (SEP) for the City of Memphis Division of Public Works as part of a Global Legal Settlement between Valero and the EPA.

- The Division of Public Works is requesting that the City Council make a resolution to accept and commit these SEP funds to an existing CIP project to replace the lagoon cover no. 1 at T.E. Maxson Wastewater Treatment Plant for the purpose of hydrogen sulfide and odor control.
- No changes to an existing ordinance or resolution are required.
- An existing contract with Valero will be modified establishing the funding amount and project completion date. A CIP budget amendment will be required.
- Existing CIP funds replaced by the SEP funds will be returned to the Sewer Fund CIP Budget.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved South Plant Expansion Project number SW02033 as part of the Public Works Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, on September 1, 2009 Council of the City of Memphis approved funding for a construction contract/contingency with Chris-Hill Construction Co., LLC in the amount of \$3,932,605.00 ; and

WHEREAS, the City of Memphis has entered into an agreement with the Valero Tennessee Refinery (VTR), which VTR has agreed to provide funding in the amount of \$500,000.00 for a Supplemental Environmental Project (SEP) for the City of Memphis Division of Public Works as part of a Global Legal Settlement between Valero and the EPA; and

WHEREAS, it is necessary to accept the Local Other Revenue funding in the amount of \$500,000.00 from VTR; and

WHEREAS, it is necessary to amend the Fiscal Year 2010 Capital Improvement Budget by replacing the allocation and appropriation of \$500,000.00 from Sewer Revenue Bonds with Local Other Revenue for the South Plant Expansion, project number SW02033; and

WHEREAS, the original allocation of \$500,000.00 in Sewer Revenue Bonds should remain in project number SW02033 to be used at a future date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Local Other Revenue funding from the Valero Tennessee Refinery in the amount of \$500,000.00 be accepted by the City of Memphis.

BE IT FURTHER RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by replacing the allocation and appropriation of \$500,000.00 from Sewer Revenue Bonds with Local Other Revenue for the South Plant Expansion, project number SW02033.

BE IT FURTHER RESOLVED that the original allocation of \$500,00.00 in Sewer Revenue Bonds remain in South Plant Expansion, project number SW02033 to be used for a future date.



Memphis City Council Summary Sheet

- This is a resolution to purchase a real-time monitoring and control system for the City of Memphis Sewer Lift Stations.
- This item is being submitted by Public Works (Lift Stations).
- This item is not applicable to any existing ordinance or resolution.
- This purchase will require a new contract.
- This purchase requires an expenditure of funds from Sewer Fund CIP:
Bid date opening: 3/12/2010
Project number: SW02082
Award number: 11006
Expenditure type: Contract Construction

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on March 12, 2010 with the lowest complying bid of three bids being \$130,238.00 submitted by Mission Communications, LLC; and

WHEREAS, it is necessary to transfer an allocation of \$143,262.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers project number SW02001 to SCADA SYSTEM, project number SW02082 ; and

WHEREAS, it is necessary to appropriate \$143,262.00 funded by Sewer Revenue Bonds in SCADA SYSTEM, project number SW02082 as follows:

Contract Amount	\$130,238.00
Contingency	<u>\$13,024.00</u>
Total	\$143,262.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$143,262.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers project number SW02001 to SCADA SYSTEM, project number SW02082.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$143,262.00 funded by Sewer Revenue Bonds and chargeable to the Fiscal Year 2010 Capital Improvement Budget and credited as follows:

Project Title:	SCADA SYSTEM
Project Number	SW02082
Amounts:	\$143,262.00



Memphis City Council Summary Sheet

Resolution appropriating Construction Funds for PW01206 ARRA Repaving Group 4.

- This project provides for street repaving under the American Recovery and Reinvestment Act (ARRA) also known as the Stimulus Bill.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- This project involves a new construction contract.
- This resolution transfers a portion of the funds identified in the FY 2010 CIP Budget as PW01198 ARRA Repaving to PW01206 ARRA Repaving Group 1 in order to execute the construction contract.
- The project funds originate from the American Recovery and Reinvestment Act. As these are 100% grant funds, there is no impact to the City's G. O. Bond position.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include ARRA Repaving, project number PW01198 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on March 26, 2010 with the lowest complying bid of three being \$2,303,775.49 submitted by Lehman Roberts; and

WHEREAS, it is necessary to transfer an allocation of \$2,488,078.00 funded by Federal Grants from the American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 4, project number PW01206; and

WHEREAS, it is necessary to appropriate \$2,488,078.00 funded by Federal Grants in ARRA Repaving Group – 4, project number PW01206 as follows:

Contract Amount	\$2,303,776.00
Project Contingencies	<u>\$184,302.00</u>
Total Amount	\$2,488,078.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the fiscal year 2010 Capital Improvement Budget be amended by transferring an allocation of \$2,488,078.00 funded by Federal Grants from the American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 4 project number PW01206.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,488,078.00 funded by Federal Grants in ARRA Repaving Group – 4, project number PW01206 and credited as follows:

Project Title	ARRA Repaving Group – 4
Project Number	PW01206
Amount	\$2,488,078.00



Memphis City Council Summary Sheet

Resolution appropriating Construction Funds for PW01203 ARRA Repaving Group 1.

- This project provides for street repaving under the American Recovery and Reinvestment Act (ARRA) also known as the Stimulus Bill.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- This project involves a new construction contract.
- This resolution transfers a portion of the funds identified in the FY 2010 CIP Budget as PW01198 ARRA Repaving to PW01203 ARRA Repaving Group 1 in order to execute the construction contract.
- The project funds originate from the American Recovery and Reinvestment Act. As these are 100% grant funds, there is no impact to the City's G. O. Bond position.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include ARRA Repaving, project number PW01198 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on March 26, 2010 with the lowest complying bid of three being \$1,571,967.69 submitted by Lehman Roberts; and

WHEREAS, it is necessary to transfer an allocation of \$1,697,726.00 funded by Federal Grant Funds from the American Recovery and Reinvestment Act from ARRA Repaving project number PW01198 to ARRA Repaving Group -1, project number PW01203; and

WHEREAS, it is necessary to appropriate \$1,697,726.00 funded by Federal Grant Funds in ARRA Repaving Group – 1, project number PW01203 as follows:

Contract Amount	\$1,571,968.00
Project Contingencies	\$ <u>125,758.00</u>
Total Amount	\$1,697,726.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the fiscal year 2010 Capital Improvement Budget be amended by transferring an allocation of \$1,697,726.00 funded by Federal Grant Funds from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 1, project number PW01203.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,697,726.00 funded by Federal Grant Funds in ARRA Repaving Group – 1, project number PW01203 and credited as follows:

Project Title	ARRA Repaving Group – 1
Project Number	PW01203
Amount	\$1,697,726.00



Memphis City Council Summary Sheet

This is an ordinance to prohibit unfair discrimination in City hiring policies against persons previously convicted.

The ordinance is sponsored by Chairman Harold Collins in response to citizens who have petitioned the City Council to "Ban the Box" on City of Memphis employment applications. Other cities that have "banned the box" are Austin, Baltimore, Boston, Chicago, Minneapolis/St. Paul, San Francisco and Seattle.

- The City shall not inquire about an applicant's conviction history on the employment application and not until after it has been determined that the applicant is otherwise qualified for the position.
- After an applicant has been identified as qualified for the position, the City will offer a conditional offer of employment, pending a conviction history check by Human Resources.
- If, as a result of the criminal history check, the City finds a valid reason to rescind the offer of employment to the applicant, the City must immediately notify the applicant and provide them with a copy of the report.
- The Applicant has 10 business days to respond to the report.
- In making a determination regarding previous convictions, the City shall consider several factors including the nature of the crime, information pertaining to the rehabilitation of the person, time since the conviction, the age of the person at the time of the occurrence, the gravity of the offense(s) and any information produced by the applicant on his behalf.

This ordinance does not change any existing ordinances.

This ordinance does not require new contracts or amends existing contracts.

No expenditure of funds is required under this ordinance.

AN ORDINANCE PROHIBITING UNFAIR
DISCRIMINATION IN CITY HIRING POLICIES
AGAINST PERSONS PREVIOUSLY CONVICTED

WHEREAS, currently 8,915 persons reside in Shelby County who are either on probation or parole or some other form of early release; and

WHEREAS, background checks by employers have increased at record rates, with 80% of large employers in the U.S. now screening their workers for convictions; and

WHEREAS, formerly incarcerated people represent a group of job seekers, ready to contribute and add to the work force; and

WHEREAS, research shows that lack of employment is a significant cause of recidivism; with people who are employed proving significantly less likely to be re-arrested; and

WHEREAS, the removal of obstacles to employment for people with prior convictions increases public health and safety by providing economic and social opportunities to a large group of people living in the city; and

WHEREAS, the City of Memphis has an obligation to act as a model employer to promote within itself the employment of people with prior convictions and to promote this employment to the private and non-profit sectors; and

WHEREAS, it is the intent and purpose of this ordinance to assist the successful reintegration of formerly incarcerated people back into the community by removing barriers to gainful employment after their release from prison; and

WHEREAS, it is the intent and purpose of this ordinance to enhance the health and security of the community by assisting people with conviction histories to reintegrate into the community and to provide for their families and themselves; and

WHEREAS, it is the intent and purpose of this ordinance to ensure that the City of Memphis implements just and fair measures and practices when screening and identifying persons eligible for employment, regardless of whether they have had past convictions or arrests; and

WHEREAS, it is the intent and purpose of this ordinance to not have hiring policies that artificially limit the applicant pool by discouraging applicants with conviction histories from applying for city employment, which would undermine the City's goal to hire the best qualified applicants for City employment.

NOW, THEREFORE, BE IT ORDAINED that the City of Memphis Code of Ordinances be amended as follows:

SECTION 1. Definitions.

Applicant means any person considered for, or who requests to be considered for, employment by the City of Memphis.

City means the City of Memphis or any division, department, agency or office thereof, unless specifically excluded by this section.

Conviction means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

Employment means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. Employment shall not, for the purposes of this section, include any sworn position.

“Relationship to the job” means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the employment sought.

“Otherwise Qualified” means any Applicant who meets all other criteria for a position or consideration for a position.

SECTION 2. Prohibitions Against Unfair Discrimination Against Persons Previously Convicted.

1. Except as otherwise dictated by state and federal law, the City shall not inquire about an Applicant’s conviction history until after it has been determined that the Applicant is otherwise qualified for the position. City job applications shall not contain a “box” or inquiry regarding a job applicant’s prior convictions.
2. After an applicant has been identified as otherwise qualified for the position, the City will offer a conditional offer of employment to the applicant, pending a conviction history check by the Human Resources Division. Prior to conducting any conviction history check on an Applicant, the City must provide a standard written notification to the Applicant advising: (a) that a conviction history check is going to take place, (b) that he or she will have the opportunity to rebut a decision by the City should it decide to retract the conditional offer of employment, and (c) what kinds of specific evidence the Applicant can present during this rebuttal.
3. If, as a result of a conviction history check, the City finds a valid reason to refuse, rescind, or revoke the offer of a position to an Applicant, then the City must

immediately notify the Applicant of the potential adverse employment action, and provide the Applicant with a photocopy of the conviction history report with a highlight(s) of the particular conviction(s) that relates to the job's responsibilities, thus warranting a denial of employment.

- (a) The Applicant or current employee shall have ten (10) business days, after receipt of notice and the photocopy of the conviction history report from the City, to respond to the City regarding the conviction history report. The City shall provide the Applicant with an opportunity to present information rebutting the accuracy and/or relevance of the conviction history report, including information pertaining to any of the factors listed in sub-paragraph (4). The City must review all information and documentation received from the Applicant prior to taking any final action as to whether to hire said Applicant.

4. In making a determination concerning a previous criminal conviction, the City shall consider the following factors:
 - (a) the nature of the crime and its relationship to the job for which the person has applied; and
 - (b) the information pertaining to the degree of rehabilitation of the convicted person; and
 - (c) the time elapsed since the conviction or release,
 - (d) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct;
 - (e) The age of the person at the time of occurrence of the criminal offense or offenses;
 - (f) The gravity of the offense(s);
 - (g) The public policy of this City, as expressed in this chapter, to encourage the employment of persons previously convicted of one or more criminal offenses.
5. In no case may records of conviction which have been erased be used, distributed or disseminated by the City or any of its agencies in connection with employment, except as dictated by law.
6. In order to prevent discrimination against municipal employees in accordance with federal guidelines, any information pertaining to an applicant or employee's record of conviction obtained by the Human Resources Division in conjunction with the hiring process shall remain confidential within that Division, and shall

not be used, distributed or disseminated by the City or any of its agencies, to any other Division, entity, or individual, except as dictated by law.

SECTION 3. Severability.

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

HAROLD B. COLLINS
Chairman



Memphis City Council Summary Sheet

This is an Ordinance requesting an amendment to the MWBE Ordinance for the extension of the sunset clause from June 30, 2010 to December 31, 2010.

- The proposed document is an Ordinance to amend previous Ordinance No. 4388, codified as City Code, Title 6, Article 6, Section 2-331(a), to extend the sunset clause set forth therein until December 31, 2010 to allow sufficient time to review Disparity Study and the proposed new MWBE Program.
- This is an Ordinance put forth by the Law Division, Office of Contract Compliance.
- This Ordinance amends Ordinance No. 4388 codified as City Code, Title 6, Article 6, Section 2-331(a). The administration, by and through the Law Division has determined that such an amendment is allowable under the Code.
- This transaction requires the approval of the full City Council and proper adoption of the requisite readings.
- No expenditure of funds is required under this Ordinance.

ORDINANCE NO: _____

**AN ORDINANCE TO AMEND PREVIOUS
ORDINANCE 4388, CODIFIED AS CITY CODE,
TITLE 6, ARTICLE 6, SECTION 2-331(a), TO
EXTEND THE SUNSET CLAUSE SET FORTH
THEREIN UNTIL DECEMBER 31, 2010.**

WHEREAS, after full consideration of the factual findings established by comprehensive studies and reviews undertaken by expert consultants engaged by the City Administration, Ordinance No. 4388 was adopted on February 20, 1996 by the Memphis City Council based upon its determination that the City has a compelling interest to fully remedy the ongoing effects of past and present discrimination against African Americans and female business owners in both the public and private sectors of its marketplace; and

WHEREAS, The Council reasoned that as a passive participant in a system of racial and gender exclusion practiced by elements of the local construction, professional and supply industries, the City has an affirmative duty to dismantle such a system; and

WHEREAS, This affirmative duty also entailed the continuation of initiatives to encourage the development of local small businesses; and

WHEREAS, the City has a compelling interest to assure that public dollars derived from tax collection and revenues are not utilized to further discriminatory practices; and

WHEREAS, Ordinance No. 4388, as originally adopted, included a provision that the ordinance and program would expire June 30, 2001; and

WHEREAS, since such time, Ordinance No. 4388 has been amended on numerous occasions to extend the sunset clause based upon the continuous need to provide time for the undertaking of an new disparity study; and

WHEREAS, the Council, having received the completed disparity study and Executive Summary on April 13, 2010, desires to extend the current Ordinance sunset from June 30, 2010 to December 31, 2010; and

WHEREAS, the scheduled dates of deliverables and estimated date for completion of the disparity study are such that the process for soliciting public comment and timeframe for Council study should be sufficient before acting on the findings and recommendations related to said ordinance, and after consideration it is deemed in the best interests of the citizens of the City of Memphis that said ordinance be amended.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Ordinance No. 4388, codified as City Code Title 6, Division 5, Section 2-331 is hereby revised to amend subsection (a) by extending the current termination date of June 30, 2010 to December 31, 2010 and to read as follows:

“Section 2-331(a). Miscellaneous.

- (a) Sunset Clause. The Minority and Women Owned Business Enterprise Procurement Program shall expire on December 31, 2010, unless prior to such date the City Council, after conducting public hearings, finds that the purposes of this Division have not yet been achieved, in which case it may extend the effective period of this Division for an additional five (5) years.”

SECTION 2. BE IT FURTHER ORDAINED, that all other terms and conditions of Ordinance #4388, codified as City Code Title 6, Division 5, Section 2-331(a) shall remain in full force and effect through such extension date of December 31, 2010.

SECTION 3. BE IT FURTHER ORDAINED, 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 4. 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.

HAROLD COLLINS
Chairperson of Council

Attest:
Patrice Thomas, Comptroller

ORDINANCE NO: 5316

**AN ORDINANCE TO AMEND ORDINANCE NO. 4388,
CODIFIED AS CITY CODE, ARTICLE 6, SECTION 2-
331(a), TO EXTEND THE SUNSET CLAUSE SET FORTH
THEREIN UNTIL JUNE 30, 2010.**

WHEREAS, after full consideration of the factual findings established by comprehensive studies and reviews undertaken by expert consultants engaged by the City Administration, Ordinance No. 4388 was adopted on February 20, 1996 by the Memphis City Council based upon its determination that the City has a compelling interest to fully remedy the ongoing effects of past and present discrimination against African Americans and female business owners in both the public and private sectors of its marketplace; and

WHEREAS, The Council reasoned that as a passive participant in a system of racial and gender exclusion practiced by elements of the local construction, professional and supply industries, the City has an affirmative duty to dismantle such a system; and

WHEREAS, This affirmative duty includes the continuation of initiatives to encourage the development of local small businesses; and

WHEREAS, the City has a compelling interest to assure that public dollars derived from tax collection and revenues are not utilized to further discriminatory practices; and

WHEREAS, Ordinance No. 4388, as originally adopted, included a sunset provision which established that the ordinance and program would expire June 30, 2001; and

WHEREAS, since such time, Ordinance No. 4388 has been amended on numerous occasions to extend the sunset clause based upon the continuous need to provide time for the undertaking of a new disparity study; and

WHEREAS, the Council, having been informed that the disparity study data collection is complete and the processing of such data is still underway, having to take into consideration recent case law, desires to extend the current Ordinance sunset from June 30, 2009 to June 30, 2010; and

WHEREAS, the scheduled dates of deliverables and estimated date for completion of the disparity study are such that the process for soliciting public comment and timeframe for Council study should be sufficient before acting on the findings and recommendations related to said ordinance, and after consideration it is deemed in the best interests of the citizens of the City of Memphis that said ordinance be amended.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Ordinance No. 4388, codified as City Code Article 6, Division 5, Section 2-331 is hereby revised to amend subsection (a) by extending the current termination date of June 30, 2009 to June 30, 2010 and to read as follows:

“Section 2-331(a). Miscellaneous.

(a) Sunset Clause. The Minority and Women Owned Business Enterprise Procurement Program shall expire on June 30, 2010, unless prior to such date the City Council, after conducting public hearings, finds that the purposes of this division have yet to be achieved, in which case it may extend the effective period of this division for an additional five (5) years.”

SECTION 2. BE IT FURTHER ORDAINED, that all other terms and conditions of Ordinance No. 4388, codified as City Code Article 6, Division 5, Section 2-331(a) shall remain in full force and effect through such extension date of June 30, 2010.

SECTION 3. BE IT FURTHER ORDAINED, 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 4. 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.

MYRON LOWERY
Chairperson of Council

Attest:
Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE

5316 PASSED

1st Reading 5-19-09

2nd Reading 6-2-09

3rd Reading 6-16-09

Approved Myron Lowery

Chairman of Council

Date Signed: 7-7-09

Approved: [Signature]

Mayor, City of Memphis

Date Signed: 7-9-09

I hereby certify that the foregoing is a true

copy, and said document was adopted by the

Council of the City of Memphis as above in-

dicated and approved by the Mayor.

Patrice Thomas

Comptroller



Memphis City Council Summary Sheet

Resolution for the Beal Street Landing - GA01002

- This item is a Resolution seeking approval to appropriate \$10,538,315 from the RDC CIP Budget for the Beal Street Landing, Phase 4A – Service and Terminal Building, based on a low bid from Webb Building Corporation.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- A construction contract will be required upon acceptance of the best bid.
- This Resolution requires an expenditure of funds in the amount of \$10,538,315.00 for construction.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved CIP Project Number GA01002, Beale Street Landing, as part of the Fiscal Year 2010 Capitol Improvement Budget; and

WHEREAS, the Beale Street Landing project requires an additional \$2,000,000 to allow it to proceed with construction of the next phase; and

WHEREAS, the City of Memphis has agreed to augment the funding of CIP Project Number GA01002, Beale Street Landing with the addition of \$1,000,000 in federal grants; and

WHEREAS, the Riverfront Development Corporation has agreed to provide \$1,000,000 in private funding for the Beale Street Landing project as a match for the City's additional funds; and

WHEREAS, bids were taken on October 27, 2009 for Beale Street Landing, Phase 4A, Service and Terminal Building, with the lowest complying bid of six bidders being \$10,470,000, submitted by Webb Building Corporation, a Memphis firm; and

WHEREAS, it is necessary to appropriate \$10,538,315 funded by G. O. Bonds for construction of Beale Street Landing, to be used as follows:

Bid Amount	\$10,470,000
Contingency	<u>68,315</u>
	\$10,538,315

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby appropriated the sum of \$10, 538,315 in G.O. Bonds chargeable to the FY 2010 Capitol Improvement Budget and credited as follows:

Project Title	Beale Street Landing
Project Number	GA01002
Amount	\$10,538,315

**UrbanArt Commission Proposal
to Allocate CIP Funding for Project Management**

24 March 2010

Formatted by: Mary Jane Fuller, Board Chair

Robert F. Fogelman II, Board Vice-Chair

John Weeden, Executive Director

Executive Summary

Proposal

The UrbanArt Commission (UAC) proposes that the project management costs of each project funded through the Percent-for-Art program henceforth be included in the overall budget for each project allowing the UAC to increase or downsize project management staff as the program's annual caseload requires. The UAC formally requests the ability to allocate up to 18% of each individual project's budget to project management costs. Under this scenario the UAC's annual Operating and Maintenance compensation would not increase in the current year.

Rationale

The UAC's O&M allocation does not cover the **project management** costs of the City's public art program. Further, the O&M funds only cover the **program administration** function of the program. The project management aspects of the various projects have been underfunded. It is this shortfall that the UAC is seeking to recoup via this alteration to the Percent-for-Art funding structure.

To clarify, **program administration** entails the development of the annual Public Art Plan, preparing and conducting monthly Public Art Oversight Committee meetings, assembling and presenting all City Council materials, administration of educational workshops for youth, community groups, and artists' professional development, composing and distributing project 'Request for Qualifications' (RFQ's), managing the City's direct purchase art program, and overseeing the ongoing maintenance of existing City projects. Program administration may be thought of as everything that must be done in order for project site and type to be determined as well as other ancillary duties as requested by the City.

In contrast, **project management** involves supervising the progress of the selected artist from their selection through to the project's completion. This entails:

- Determining project directive;
- Determining artist selection process, including coordinating from 7 and up to 11 separate selection committee meetings;
- Negotiating artist contracts and vendor bids
- Processing artist invoices and payments

- Determining schematic design process, including performing numerous site visits, conducting discussions with contractors, architects, and facility managers
- Supervising fabrication processes;
- Overseeing installation and post-installation documentation,
- Arranging dedication ceremonies.

Each year since 2002, the UAC has contributed privately sourced funds to supplement the City of Memphis funding shortfall. With the downturn in the economy over the past two years, the UAC's private reserves have been depleted, and it can no longer continue to bridge the funding gap. In order for the Percent-for-Art program to be coordinated at the level of service the City of Memphis demands, project management must be self-funded within the budget of each project. While Percent-for-Art program administration falls within the O&M budget, the project management costs are clearly a part of the CIP Percent-for-Art requirements.

Nationwide, other Percent-for-Art programs dedicate an average of 15-20% from each project's total budget for its management. Precedent for this proposed funding model clearly exists. In practice, the altered funding structure would work as follows. If a single project's budget is \$50,000, UrbanArt would be compensated at the \$9,000 level, with the remaining \$41,000 going to artist's fees and production expenses. This model would require no additional CIP funding from the City.

Conclusion

The UrbanArt Commission respectfully requests that the City of Memphis alter the Percent-for-Art structure to allow for up to 18% of project budgets be allocated to the UAC's project management duties. Assuming UAC O&M funding is maintained at prior-year levels, the proposed alteration to the Percent-for-Art funding structure will ensure and solidify the UAC's existence and further enable its efficacy in administering the City of Memphis public art program.

The attached addenda provide further background, data, and support for this proposal.

Addendum #1 – Operation, Job Creation, History

UrbanArt Commission Operation

The UrbanArt Commission functions as a third-party project consulting and management provider for art projects funded by both public and private sources. Currently, the UAC staff consists of one full-time position, the Executive Director. The Executive Director is currently supported by part-time staff. The organization is governed by a volunteer Board of Directors.

All City Percent-for-Art projects are developed in collaboration with community groups in the areas in which the artworks are located. Selection committees formed from neighborhood representatives, facilities managers, City division representatives, and art experts are assembled to develop the project directive, select the artist, and approve all City project artwork. The decisions of each selection committee are then brought to the Public Art Oversight Committee (PAOC) for review and final confirmation. Members of the seven-person PAOC are appointed by the Mayor and approved by the City Council.

Each individual Percent-for-Art project currently requires approximately 105 hours of management time. Nationwide, best practices of public art coordination indicate the recommended caseload should be in the range of 6-8 projects per manager. Due to funding shortfalls, the UAC is currently able to fund only one full-time employee (its Executive Director) and a part-time project coordinator. At present, there are a total of 30 Percent-for-Art projects in progress.

UrbanArt Commission Job Creation

Public artworks produced by local artists help keep the local economy solvent, and further enables Memphis to blossom as a creative center of world renown. Typically, artists retain 10-15% of project funds for design fees and labor with the remainder going to local businesses supplying materials, design and fabrication services, and to the hiring of production assistants. This means Memphis artists are able to continue to pay their mortgages, meet their city and county tax obligations, and feed and clothe their families. While the City's Percent-for-Art program only requires 60% of its projects be produced by local artists in any 5 year period, the UAC has surpassed this mark by coordinating local artists to create 84% of its public art projects, and counting!

UrbanArt Commission History

Since 1997, the UrbanArt Commission, a 501c3 organization, has been working locally to create a dynamic, vibrant, nurturing community through art and design. The organization began with funds from the Memphis Arts Council (now ArtsMemphis) and Shelby County Government along with private grants and donations.

Since 2002, the UAC has been working with the City of Memphis to produce permanent art enhancements as part of CIP projects improving the built environment. On March 5 of that year, the City Council passed Ordinance 4934,

which mandates that 1% of the total general obligation bond amount included in the CIP budget for construction costs each fiscal year be set aside for the development of artwork under the City's Percent-for-Art program. The only project type to be officially excluded from the ordinance is PW01040, Asphalt/Paving.

Each year, UAC staff works with the Public Art Oversight Committee, the Mayor-appointed and Council-approved entity that oversees the Percent-for-Art program, to create a plan for the specific use of allocated funds. Annual budgets have ranged from \$125,000 to \$750,000, depending on the number of CIP projects determined to be suitable each year. There are currently 30 projects in various stages of production, from initial meetings with division directors and community members, to wrapping up fabrication and scheduling installations, including the 7 gateway projects recently approved by the City Council. To date, 17 Percent-for-Art projects have been completed.

Furthermore, the UAC has hosted in excess of 160 public art education events, including guest artist lectures, studio visits with local artists, professional practice and community art program workshops, and urban design workshops open to the general public. It has fostered the development of both the Memphis Regional Design Center and the local chapter of the Urban Land Institute.

Addendum #2 – Financial Data

Charts A and B below are intended to illustrate how the proposed alteration to the CIP funding model will remunerate the UAC for its project management duties. Chart A covers the current 'Percent-for-Art' projects that are approved by the City and under contract. The yellow box in Chart A represents the estimated shortfall the UAC will face for the projects currently under contract. Chart B covers those projects in the pipeline that are approved by the City but not yet under contract.

NOTE: In Chart B, an average budget per project of \$88,000 is assumed.

Chart A – CURRENT PROJECTS (APPROVED AND UNDER CONTRACT)

Project Under Contract	Phase	Budget	Hours to Complete	Proposed 18% Commission	% Complete	Proposed Remaining Commission
Court Ave Ped Bridge	Artist selection	\$140,000	90	\$25,200	86%	\$21,600
Chickasaw Heritage Park	Proj Directive	\$85,000	70	\$15,300	67%	\$10,200
Legends Park	Proj Directive	\$75,000	70	\$13,500	67%	\$9,000
BSL - Braaksma	Schematic	\$100,000	50	\$18,000	48%	\$8,571
Fletcher Creek Park	Schematic	\$50,000	50	\$9,000	48%	\$4,286
University Place	Schematic	\$100,000	50	\$18,000	48%	\$8,571
Walnut Grove	Schematic	\$200,000	50	\$36,000	48%	\$17,143
Animal Shelter	Fabrication	\$75,000	35	\$13,500	33%	\$4,500
Bert Ferguson/Library	Fabrication	\$50,000	35	\$9,000	33%	\$3,000
BSL - Lewis	Fabrication	\$175,000	35	\$31,500	33%	\$10,500
Inspection Station	Fabrication	\$75,000	35	\$13,500	33%	\$4,500
Overton Park Shell	Fabrication	\$75,000	35	\$13,500	33%	\$4,500
Pierotti Park	Fabrication	\$50,000	35	\$9,000	33%	\$3,000
			640	\$225,000		\$109,371

Chart B – CURRENT PROJECTS (APPROVED NOT UNDER CONTRACT)

Approved Projects	Phase	Estimated Budget	Hours to Complete	Proposed 18% Commission	% Complete	Proposed Future Commission
Gateways	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
Greenway Improvements	Artist selection	\$88,000	105	\$15,840	0%	\$15,840
Hollywood Library	Proj Directive	\$88,000	105	\$15,840	0%	\$15,840
James Road	ON HOLD	\$88,000	105	\$15,840	0%	\$15,840
Lester Cmty Ctr	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
North Frayser Cmty Ctr	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
Parkways Renovations	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
Safe Routes-Frayser	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
Safe Routes-Rozelle	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
Skate Park	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
Traffic/West Precinct	ON HOLD	\$88,000	105	\$15,840	0%	\$15,840
Uptown	Prelim Mtgs	\$88,000	105	\$15,840	0%	\$15,840
			1,260	\$190,080		\$190,080

CITY COUNCIL RESOLUTION

WHEREAS, City of Memphis Ordinance No. 4934 provides that one percent (1%) of the total general obligation bond amount included in the CIP budget for construction costs each fiscal year shall be allocated to the public art fund for use in the development of artwork hereunder, *including, but not limited to* (emphasis added), artist design services, the development of design concepts and models, an artist in residency program, the selection, acquisition, purchase, commissioning, placement, installation, exhibition and display of artwork, and architectural and engineering design associated with artwork; and

WHEREAS, the UrbanArt Commission (UAC) requires up to 18% of each individual project's budget for the project management costs of each project funded through the Percent-for-Art program; and

WHEREAS, since 2002 the UAC has contributed privately sourced funds to cover costs of project management, however with the downturn in the economy over the past two years, the UAC's private reserves have been depleted, and it can no longer continue to bridge the funding gap; and

WHEREAS, project management costs are eligible to be considered a part of the CIP Percent-for-Art requirements under Ordinance No. 4934 and nationwide, other Percent-for-Art programs dedicate an average of 15-20% from each project's total budget for its management.

NOW, THEREFORE BE IT RESOLVED, that the City of Memphis allow up to 18% of project budgets be allocated for the UAC's project management duties under the Percent-for-Art program, which will henceforth be included in the overall budget for each, thus allowing the UAC to increase or downsize project management staff as the program's annual caseload requires.

SHEA FLINN
MEMPHIS CITY COUNCIL



Memphis City Council Summary Sheet

Resolution for Parkways Maintenance/ Renovation PK12001

- This Resolution is appropriate funding for Parkways Maintenance PK12001, Parks FY2010 CIP Budget. This project is funded with a \$400,000 State Grant and \$100,000 in matching funds from the City.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This project will require a construction contract once construction documents are completed and bids taken. This Resolution only requires that the funds be appropriated.
- This Resolution does allow an appropriation of up to \$500,000 from the FY2010 CIP Budget.

RESOLUTION

WHEREAS, the Council of the City of Memphis did approve Parkways Maintenance/Renovations CIP Project Number PK12001 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did allocate \$500,000 (\$400,000 in State Grant Funds) in PK12001 in Fiscal Year 2010 for construction of the Parkways Maintenance; and

WHEREAS, plans and specifications will be prepared for bidding and construction purposes; and

WHEREAS, the Division of Park Services desires to appropriate funds within the Fiscal Year 2010 budget year prior to public bidding; and

WHEREAS, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$100,000 funded by G.O. Bonds General and \$400,000 funded by State Grant Funds chargeable to the Fiscal Year 2010 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Parkways Maintenance/Renovations
Project Number:	PK12001
Amount:	\$500,000



Memphis City Council Summary Sheet

Resolution for the Lichterman Nature Center PK08001

- This item is a Resolution seeking approval to appropriate \$264,000 from the Parks 2010 CIP Budget for exterior repairs to the nature center. The repair work will address trim work, decks, doors and windows.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- A construction contract will be required once bids are received.
- This Resolution may require an expenditure of funds up to \$264,000 for construction.

RESOLUTION

WHEREAS, the Council of the City of Memphis did approve Lichterman Nature Center Improvements CIP Project Number PK08001 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did allocate \$264,000 in PK08001 in Fiscal Year 2010 for exterior repairs to the nature center; and

WHEREAS, plans and specifications have not been completed yet for bidding purposes; and

WHEREAS, the Division of Park Services desires to appropriate funds within the Fiscal Year 2010 budget year prior to public bidding; and

WHEREAS, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated \$264,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2010 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Lichterman Nature Center
Project Number:	PK08001
Amount:	\$264,000.00



Memphis City Council Summary Sheet

Resolution for the Golf Course Parking Lot Paving PK06004

- This item is a Resolution seeking approval to appropriate \$240,000 for repaving of parking lots at Fox Meadows, Pine Hill, Audubon and Crockett golf courses from the Parks 2010 CIP Budget.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- A construction contract will be required once a bid is accepted for the repaving and repair work on parking lots at Pine Hill, Fox Meadows, Audubon and Crockett golf courses.
- This Resolution may require an expenditure of funds up to \$240,000 for construction.

RESOLUTION

WHEREAS, the Council of the City of Memphis did approve Golf Course Parking Lot Paving CIP Project Number PK06004 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did allocate \$240,000 in PK06004 in Fiscal Year 2010 for parking lot repaving at Fox Meadows, Pine Hill, Audubon and Crockett golf courses; and

WHEREAS, plans and specifications are in process of being prepared for public bidding; and

WHEREAS, the Division of Park Services desires to appropriate funds within the Fiscal Year 2010 budget year prior to public bids being received; and

WHEREAS, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated \$240,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2010 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Golf Course Parking Lot Paving
Project Number:	PK06004
Amount:	\$240,000.00



Memphis City Council Summary Sheet

Resolution for the Ballfield Renovations - PK05001

- This item is a Resolution seeking approval to appropriate \$350,000 from the Parks 2010 CIP Budget for ADA improvements at May Park Soccer Complex. The improvements will include: upgrades to the restroom/concession facility, new field bleachers, work on storm drains, parking lots and sidewalks.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- A construction contract will be required once bids are received.
- This Resolution may require an expenditure of funds up to \$350,000 for construction.

RESOLUTION

WHEREAS, the Council of the City of Memphis did approve Ballfield Renovations CIP Project Number PK05001 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did allocate \$350,000 in PK05001 in Fiscal Year 2010 for ADA upgrades at May Park Soccer Complex; and

WHEREAS, plans and specifications have not been completed yet for bidding purposes; and

WHEREAS, the Division of Park Services desires to appropriate funds within the Fiscal Year 2010 budget year prior to public bidding; and

WHEREAS, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated \$350,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2010 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Ballfield Renovations
Project Number:	PK05001
Amount:	\$350,000.00



Memphis City Council Summary Sheet

Resolution for repair work at Douglass Pool Bathhouse that sustained storm damage located at Douglass Park – PK01023

- This item is a Resolution seeking approval of schematic design for the repair work of Douglass Pool Bathhouse.
- The initiating party is the Division of Park Services seeking repairs to the Douglass Pool House due to storm damage in the summer of 2009.
- This Resolution does not change any existing Ordinance nor Resolution.
- The design work for this project is being funded from an existing contract pertaining to design work for Douglass Community Center addition - PK01023.
- Currently, Park Services is requesting an allocation of \$330,000 in the FY2011 budget, PK04015, to fund repairs. The current estimate per the Resolution is \$330,000.
- Reimbursements from FM Global and FEMA will be based on the actual bid costs. FM Global will reimburse the City for most design and construction costs over the \$50,000 deductible. FEMA will reimburse the City one half of the deductible cost or \$25,000.

RESOLUTION

WHEREAS, a storm in the summer of 2009 damaged the Douglass Pool House with a fallen tree that necessitates repair of about half the structure including the pump room; and

WHEREAS, The Council of the City of Memphis did include Douglass Community Center, located at 1616 Ash, CIP Project Number PK01023, A/E funds of \$360,000 as part of the Fiscal Year 2009 Capital Budget; and

WHEREAS, the Administration is funding design work of \$64,000 for the repairs from CIP Project Number PK01023, part of the Fiscal Year 2009 Capital Budget; and

WHEREAS, the Administration has included a \$330,000 construction funding request, PK04015 for repairs to the Pool House in the FY2011 Capital Improvement Budget; and

WHEREAS, funding for the design and repairs of the Pool House will be substantially reimbursed by insurance and FEMA; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that Douglass Pool House, CIP Project Number PK01023, is hereby approved for completion of plans and specifications with an estimated construction cost of \$330,000.

Douglass Community Center and Pool House

Project Number: PK01023



Memphis City Council Summary Sheet

Resolution to appropriate General Obligation Bonds to provide funds for the scheduled replacement of three (3) pumpers

- This item is a resolution to appropriate G.O. Bonds to purchase three (3) pumpers.
- This purchase is being requested by the City of Memphis Division of Fire Services.
- This purchase required a new contract. Specifications were put out for bids. Fire Services received one bid from Pro-Fire Equipment and awarded this vendor the contract.
- This purchase requires the expenditure of \$1,484,208.00 in G.O. Bonds from CIP project FS03001 that was approved in the 2010 CIP budget.

RESOLUTION

WHEREAS, Project Number FS03001, Replace Pumpers, purchase of three (3) Pumpers is included in the FY10 Capital Improvement Budget; and

WHEREAS, a total of one (1) bid was received March 12, 2010 with the lowest and best complying bid being from Pro-Fire Equipment, LLC; 7195 Maygan Drive, Olive Branch, MS 38654 at a total contract cost of \$1,484,208,.00; and

WHEREAS, the funding for the purchase of three (3) Pumpers with optional equipment has been allocated in Capital Improvement Project Number FS03001, Replace Pumpers;

WHEREAS, it is necessary to appropriate an additional \$1,484,208.00 in General Obligation Bonds for the purchase of three (3) Pumpers from Pro-Fire Equipment, LLC with optional equipment designated for annual replacement of fleet at a cost of \$1,484,208.00; and;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,484,208.00 in General Obligation Bonds chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Replace Pumpers

Project Number FS03001

\$1,484,208.00

General Obligation Bonds



Memphis City Council Summary Sheet

Resolution to appropriate General Obligation Bonds to provide funds for the scheduled replacement of one (1) Aerial Truck.

- This item is a resolution to appropriate G.O. Bonds to purchase one (1) aerial truck.
- This purchase is being requested by the City of Memphis Division of Fire Services.
- This purchase required a new contract. Specifications were put out for bids. Fire Services received one bid from Pro-Fire Equipment and awarded this vendor the contract.
- This purchase requires the expenditure of \$728,906.00 in G.O. Bonds from CIP project FS03002 that was approved in the 2010 CIP budget.

RESOLUTION

WHEREAS, Project Number FS03002, Replace Aerial Trucks, purchase of one (1) Aerial Truck is included in the FY10 Capital Improvement Budget; and

WHEREAS, a total of one (1) bid was received March 12, 2010 with the lowest and best complying bid being from Pro-Fire Equipment, LLC; 7195 Maygan Drive, Olive Branch, MS 38654 at a total contract cost of \$728,906.00; and

WHEREAS, the funding for the purchase of one (1) Aerial Truck with optional equipment has been allocated in Capital Improvement Project Number FS03002, Replace Aerial Trucks;

WHEREAS, it is necessary to appropriate an additional \$728,906.00 in General Obligation Bonds for the purchase of one (1) Aerial Truck from Pro-Fire Equipment, LLC with optional equipment designated for annual replacement of fleet at a cost of \$728,906.00; and;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$728,906.00 in General Obligation Bonds chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Replace Aerial Trucks

Project Number FS03002

\$728,906.00

General Obligation Bonds



Memphis City Council Summary Sheet FY2011

- This Resolution is to direct the City Treasurer to prepare Tax Bills for various utilities and carriers utilizing the Last Certified Assessments as of June 30, 2010.
- Initiating Party: Finance Division
- This Resolution does not make any changes to an existing ordinance or resolution.
- This Resolution does not require a new contract or modification to an existing contract.
- No expenditure of funds is required under this Resolution.

RESOLUTION

WHEREAS, the assessment made on various Utilities and Carriers by the Office of State Assessed Properties for the year 2010 will not be received by the city until about January 2011; and

WHEREAS, it is necessary that the City Treasurer prepare tax bills for these Utilities and Carriers in order that the 2010 taxes of those taxpayers can be collected during the collection dates for the other Ad Valorem taxes; and

WHEREAS, it is necessary for the 2009 certified assessment to be used as a tentative assessment for the purposes mentioned above.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis, that the City Treasurer be and is hereby directed to prepare tax bills for the various Utilities and Carriers utilizing the last certified assessment as of June 30, 2009 and that upon receipt of the certified 2010 assessment of the Office of State Assessed Properties or its successor the Treasurer be and is hereby directed and authorized to bill the said taxpayers for an increase in the 2010 assessment over the 2009 assessment., or make appropriate adjustments therein; and that he/she be further directed and authorized to refund any amounts paid by said taxpayer in excess of their certified 2010 Office of State Assessed Properties assessment.



Memphis City Council
Summary Sheet
FY2011

- This Resolution is to approve the FY2011 Budget for the Center City Commission.
- Initiating Party: Center City Commission
- This Resolution does not make any changes to an existing ordinance or resolution.
- This Resolution does not require a new contract or modification to an existing contract.
- No expenditure of funds is required under this Resolution.

RESOLUTION

WHEREAS, the Center City Commission submitted their FY 2011 Budget in the amount of \$3,427,371 for approval by the City Council; and

WHEREAS, full Council Approval is also needed for the Center City Commission budget; and

WHEREAS, the Council affirms that the assessment rate of \$0.65 per \$100 of assessed value was used to determine the revenues listed below

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2011 Budget for the Center City Commission be and is hereby approved.



CENTER CITY COMMISSION

The Crump Building
114 North Main Street
Memphis Tennessee 38103

Memorandum

TO: Memphis City Council
FROM: Jeff Sanford, President
DATE: April 29, 2010
RE: Center City Commission FY 2011 Operating Budget

We are pleased to present the Center City Commission's proposed FY 2011 Operating Budget, which has been reviewed and approved by the Center City Commission's Board of Directors. Highlights include:

- For the 12th year in a row, no City funds, no property tax dollars are in the CCC's budget.
- It is a balanced budget; expenses are within 1% of expenses in the FY '10.
- No new administrative employees are budgeted.
- A 3% base salary increase for employees.
- Continued deployment of private contract security officers in the Downtown core.

We respectfully request the City Council's approval of the FY 2011 operating budget so that we can continue to lead the Downtown turnaround. Thank you very much for your consideration and for your continued partnership.

Center City Commission
Budget
FY 2011

	<u>FY 2011</u>	<u>FY 2010</u>	<u>\$ Change</u>	<u>% Change</u>
<u>Revenue</u>				
Assessment and Interest	\$ 2,706,411	\$ 2,833,330	\$ (126,919)	-4%
Marketing	50,000	65,000	(15,000)	-23%
Operations	30,960	27,600	3,360	12%
Transfers In	640,000	480,793	159,207	33%
Total Revenue	\$ 3,427,371	\$ 3,406,723	\$ 20,648	1%
<u>Expense</u>				
Personnel	\$ 1,841,274	\$ 1,805,485	\$ 35,789	2%
Personnel Development	29,415	37,935	(8,520)	-22%
Office Expenditures	312,791	350,323	(37,532)	-11%
Professional Fees	166,091	33,540	132,551	395%
Advertising	390,000	477,000	(87,000)	-18%
Planning & Development	173,800	168,840	4,960	3%
Depreciation	415,064	421,200	(6,136)	-1%
Interest	98,936	112,400	(13,464)	-12%
Total Expense	\$ 3,427,371	\$ 3,406,723	\$ 20,648	1%
Excess Revenue over Expense	\$ -	\$ -	\$ -	

Center City Commission
Budget
FY 2011

	<u>FY 2011</u>	<u>FY 2010</u>	<u>\$ Change</u>	<u>% Change</u>
<u>Revenue</u>				
Assessment and Interest	\$ 2,706,411	\$ 2,833,330	\$ (126,919)	-4%
Marketing	50,000	65,000	(15,000)	-23%
Operations	30,960	27,600	3,360	12%
Transfers In	640,000	480,793	159,207	33%
Total Revenue	\$ 3,427,371	\$ 3,406,723	\$ 20,648	1%
<u>Expense</u>				
Wages and Salaries	\$ 1,353,230	\$ 1,325,487	\$ 27,743	2%
Benefits	297,144	284,398	12,746	4%
Other Personnel Expense	190,900	195,600	(4,700)	-2%
Dues & Subscriptions	9,415	11,735	(2,320)	-20%
Office Expenditures	312,791	350,323	(37,532)	-11%
Conferences & Travel	20,000	26,200	(6,200)	-24%
Business Development	6,800	8,840	(2,040)	-23%
Professional Fees	151,091	23,040	128,051	556%
Search/Relocation	15,000	10,500	4,500	43%
Advertising	165,000	232,000	(67,000)	-29%
Event Production	216,000	238,000	(22,000)	-9%
Materials & Supplies	9,000	7,000	2,000	29%
Planning & Development	82,000	77,000	5,000	6%
Improvements	85,000	83,000	2,000	2%
Depreciation	415,064	421,200	(6,136)	-1%
Interest	98,936	112,400	(13,464)	-12%
Total Expense	\$ 3,427,371	\$ 3,406,723	\$ 20,648	1%
Excess Revenue over Expense	\$ -	\$ -	\$ -	



**Memphis City Council
Summary Sheet
FY2011**

- This item is a Resolution approving a lease agreement with Elliott AmQuip LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on December 16, 2009.
- Initiating Party: Memphis and Shelby County Port Commission
- This is not a change to an existing ordinance or resolution. This is a resolution for a lease agreement.
- This Resolution does not amend an existing contract. The resolution is for a new lease agreement.
- This Resolution does not require an expenditure of funds. This is for a lease agreement whereby the Lessee (Elliott AmQuip LLC) will pay rental to the Lessor (Memphis and Shelby County Port Commission).

SUMMARY SHEET

I. **Description of Item:** Resolution approving a lease agreement with Elliott AmQuip LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on December 16, 2009.

II. **Source and Amount of Funding**

This is a lease agreement. The Lessee pays rental to the Port Commission as Lessor.

III. **Contract Items**

A. Type of Contract: Lease Agreement

B. Terms: The term of the proposed lease is for a period of 3 years, June 1, 2010 to May 31, 2013.

IV. **Additional Information Relevant to approval of this item**

Elliott AmQuip LLC will use this leased land for the storage, repair and maintenance of cranes, trucks and trailers and all associated inventory. Elliott AmQuip LLC, as Lessee, will pay \$60,000.00 in rental for this lease agreement. Payments of \$5,000.00 will be made in monthly installments. After the initial year period the annual rental for each renewal period will be adjusted annually using the Consumer Price Index.

**CITY OF MEMPHIS
RESOLUTION AUTHORIZING A LEASE AGREEMENT
WITH ELLIOTT AMQUIP LLC**

WHEREAS, ELLIOTT AMQUIP LLC has requested that Memphis and Shelby County Port Commission enter into a Lease Agreement providing that Elliott AmQuip LLC lease certain real property for three (3) years on Presidents Island.

WHEREAS, said proposed Lease Agreement is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of Presidents Island and the community.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with ELLIOTT AMQUIP LLC be and hereby is approved.

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

BE IT FURTHER RESOLVED, That this action is subject to concurrence by Shelby County.



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution approving the appropriation of \$62,665.00 for Furniture, Fixtures, and Equipment for the Motor Vehicle Inspection Station, CIP Project Number PS01009, as part of the FY10 Capital Improvement Program funded by Local Other CIP and G.O. Bonds

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods

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

There is no change to an existing ordinance or resolution

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

A new negotiated contract will be put into place for the additional inspection equipment

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

An amendment to the Fy2010 budget is required to appropriate \$62,665.00

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Motor Vehicle Inspection Station, CIP Project #PS01009, as part of the Public Services and Neighborhoods Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, funds have been appropriated for Emission Testing Equipment for the three existing Motor Vehicle Inspection Stations based on the proposal submitted on June 13, 2008 by Environmental Systems Products Holdings Incorporated (ESP) in the amount of 819,978.00; and

WHEREAS, the Motor Vehicle Inspection Bureau now has the need for additional equipment from Environmental Systems Products Holdings Incorporated which will bring all new MVIB lane units to full configuration and will allow inspectors to test any applicable vehicle in any of the test network's 16 test lanes; and

WHEREAS, it is necessary to appropriate \$62,665.00, funded by G.O. Bonds and Local Other CIP, from Project #PS01009 for the Motor Vehicle Inspection Station for the following:

Expenses:

(8) Gas Analyzer Adder Kits:	\$ 60,000.00
(2) Gas Cap adder Kits:	\$ 2,280.00
<u>Freight:</u>	<u>\$ 385.00</u>
Total:	\$ 62,665.00

Funding Sources:	\$ 12,533.00 G.O. Bonds
	<u>\$ 50,132.00 Local Other CIP</u>
Total:	\$ 62,665.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the amount of \$62,665.00, CIP Project Number PS01009, funded by G.O. Bonds and Local Other CIP for the Motor Vehicle Inspection station with said appropriation being credited as follows:

Project Title:	Motor Vehicle Inspection Station
CIP Project Number:	PS01009
Funding Sources:	\$12,533.00 G.O. Bonds
	\$50,132.00 Local Other CIP
Total:	\$62,665.00