



Memphis City Council Summary Sheet Instructions

1. Resolution appropriates the sum of \$300,000.00 in Other Project Cost to continue the implementation of the Urban Art Plan, CIP Project Number EN01003 funded by G. O. Bonds.
2. Division of Engineering
3. There is not a change to an existing ordinance or resolution.
4. Resolution does not require a new or amended contract.
5. This resolution requires an appropriation of \$300,000.00 in CIP funds funded by G. O. Bonds chargeable to FY 2013 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Urban Art, CIP Number EN01003 as part of the FY 2013 Capital Improvement Budget; and

WHEREAS, it is necessary to appropriate funds in the amount of \$300,000.00 funded by G. O. Bonds General in other project costs to continue the implementation of the Urban Art Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$300,000.00 funded by G. O. Bonds General, chargeable to FY 2013 Capital Improvement Budget with said appropriation being credited as follows:

Project Title:	Urban Art	\$300,000.00
Project Number:	EN01003	G. O. Bonds



**Memphis City Council
Summary Sheet
T.E. Maxson (3) – 2 Meter Belt Filter Presses**

1. This is a construction project to furnish and install three (3) 2 Meter Belt Filter Presses and certain other appurtenances at the Maxson Wastewater Treatment Plant.
2. This project is being submitted by Public Works (Environmental Construction).
3. This item does not change an existing ordinance or resolution.
4. This item requires a new contract.
5. This requires an expenditure of funds.
6. The MWBE Goal for this project was 2%.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Covered Anaerobic Lagoon, project number SW02011, as part of the Public Works Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, bids were taken on July 6, 2012 to furnish and install three 2 meter Belt Filter Presses and certain other appurtenances at the Maxson Waste Water Treatment Plant with the lowest complying bid of three bids being \$1,865,000.00 submitted by Landmark Construction General Contractors, Inc; and

WHEREAS, it is necessary to appropriate \$2,051,500.00 funded by Sewer Revenue Bonds in Covered Anaerobic Lagoon, project number SW02011 to furnish and install three 2 meter Belt Filter Presses and certain other appurtenances at the Maxson Waste Water Treatment Plant as follows:

Contract Amount	\$ 1,865,000.00
<u>Project Contingencies</u>	<u>\$ 186,500.00</u>
Total	\$ 2,051,500.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$2,051,500.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title:	Covered Anaerobic Lagoon
Project Number	SW02011
Amount:	\$2,051,500.00



Memphis City Council

1. This resolution requests moving the position, Environmental Project Manager , from Public Works-Environmental Maintenance to Public Works – Solid Waste Management. The role of this position and the projects associated with the position are more closely related to Solid Waste Management.
2. The Division of Public Works is initiating this request.
3. The resolution will result in a change in revenues/expenditures from the Sewer Fund to Solid Waste Management. No increase in overall Public Works budget.
4. This resolution will require amendment of the FY 13 budget ordinance as a result of the funding change for the position.
5. This resolution will not result in an overall increase in Public Works complement. The budget complement for Environmental Maintenance will be reduced by one position and Solid Waste Management's complement will be increased by one position.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Fiscal Year 2013 Operating Budget Appropriation Ordinance 5450 effective July 1, 2012; and

WHEREAS, it is necessary to amend the Fiscal Year 2013 Operating Budget by transferring an Environmental Project Manager from Environmental Maintenance, reducing the authorized complement to 57, to Solid Waste Administration, increasing the authorized complement to 40; and

WHEREAS, it is necessary to amend the Fiscal Year 2013 Operating Budget by decreasing Salaries and Benefits in the Sewer Fund by \$77,783.00.

WHEREAS, it is necessary to amend the Fiscal Year 2013 Operating Budget by increasing Salaries and Benefits by \$77,783.00 in the Solid Waste Management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Operating Budget is hereby amended by transferring an Environmental Project Manager from Environmental Maintenance, reducing the authorized complement to 57, to Solid Waste Administration, increasing the authorized complement to 40.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget is hereby amended by decreasing Salaries and Benefits in the Sewer Fund by \$77,783.00.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget be and is hereby amended by increasing Salaries and Benefits by \$77,783.00 in the Solid Waste Management.



Memphis City Council Summary Sheet

South Cypress Drainage District-Fairfield Road Drainage Construction

Resolution Appropriating Construction Funds for ST03121 South Cypress Drainage District-Fairfield Road.

- This project will remove an open ditch along an unimproved road for drainage and safety enhancements.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- The construction is to be provided by Enscor, LLC. The Minority Goal of 13% was approved for this project.
- This project is funded 100% by the Storm Water enterprise fund.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Major Drainage Rehab/Replace, project number ST03006, as part of the Public Works Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, bids were taken on June 29, 2012 to remove an open ditch along an unimproved road for drainage and safety enhancements with the lowest complying bid of four bids being \$86,790.50 submitted by Enscor, LLC; and

WHEREAS, it is necessary to transfer an allocation of \$93,734.00 funded by G O Bonds – General (Storm Water) from Major Drainage Rehab/Replace, project number ST03006, to Fairfield Road Drainage Improvement, project number ST03121; and

WHEREAS, it is necessary to appropriate \$93,734.00 funded by G O Bonds – General (Storm Water) in Fairfield Road Drainage Improvement, project number ST03121 as follows:

Contract Amount	\$86,791.00
Project Contingencies	\$ <u>6,943.00</u>
Total Amount	\$93,734.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$93,734.00 funded by G O Bonds – General (Storm Water) from Major Drainage Rehab/Replace, project number ST03006, to Fairfield Road Drainage Improvement, project number ST03121.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$93,734.00 funded by G O Bonds – General (Storm Water) chargeable to the FY 2013 Capital Improvement Budget and credited as follows:

Project Title	Fairfield Road Drainage Improvemnts
Project Number	ST03121
Total Amount	\$93,734.00



Memphis City Council Summary Sheet

Resolution appropriating funds for Traffic Signal Equipment

- This item is a resolution to appropriate funds for various purchases of traffic signal equipment needed in traffic control.
- The Engineering Division requests the appropriation of this year's allocation.
- This does not reflect a change in an existing resolution.
- This project will require a new contract.
- A new contract and expenditure of funds are required.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Traffic Signals, Project Number EN01004 as part of the Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, bids are taken during the year for various purchases of traffic signal equipment needed in traffic control; and

WHEREAS, to expedite these bids and purchases the Engineering Division requests that this years allocation be appropriated; and

WHEREAS, it is necessary to appropriate \$340,000.00 to Traffic Signals, Project number EN01004 in Furniture, Fixtures and Equipment funded by G. O. General Bond funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$340,000.00 chargeable to the 2013 Capital Improvement Budget, with said appropriation to be funded from G. O. General Bond funds and the resulting appropriation being credited as follows:

G. O. General Bond Funds	\$340,000.00
Furniture Fixture & Equipment	\$340,000.00



**Memphis City Council Summary Sheet
(City Administration – Resolution Authorizing the City of
Memphis to Transfer three (3) Vehicles to Shelby County
Government Office of Preparedness)**

- This item is a resolution to transfer three (3) vehicles to Shelby County Government Office of Preparedness.
- The vehicles are:
 - EM-53 2005 Ford F-350 Tag GW-5347 – No Title
 - EM-280 2006 Ford F-350 Tag GX-6093 - Title
 - EM-281 2006 Ford F-350 Tag GX-6092 -Title
- This resolution does not require a new contract, or amend an existing contract.
- This resolution will not require funds being expensed.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the purchasing of three (3) vehicles for the Emergency Management Agency (EMA) with federal grant funds;

WHEREAS, it is necessary to transfer the three (3) vehicles listed below to Shelby County Government, Office of Preparedness:

- EM-53 2005 Ford F-350 Tag GW-5347 – No Title
- EM-280 2006 Ford F-350 Tag GX-6093 - Title
- EM-281 2006 Ford F-350 Tag GX-6092 -Title

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the City of Memphis Purchasing Agent is authorized to transfer the three (3) vehicles listed above to Shelby County Government, Office of Preparedness.

AN ORDINANCE TO AMEND CHAPTER 9-60 (LITTER CONTROL) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING.

WHEREAS, illegal dumping, particularly large-scale dumping of commercial waste, is a continuing and costly problem for the City of Memphis.

WHEREAS, the Department of Public Works has identified 156 so-called “hotspots” that are regularly used as dumpsites.

WHEREAS, these hotspots are typically hidden areas of very low traffic, frequently on the edges of Memphis, between the City of Memphis and unincorporated parts of the county.

WHEREAS, the Department of Public Works currently responds to illegal dumping by cleaning waste and patrolling these hotspots, spending nearly a half a million dollars a year cleaning up after illegal dumpers.

WHEREAS, illegal dumping spreads potentially hazardous waste, slows down standard municipal waste services, creates blight on communities, and negatively impacts community property values.

WHEREAS, vehicle impoundment is one potential strategy to combat illegal dumping, which can allow police officers and code enforcement officers to call for the impoundment of vehicles used in connection with illegal dumping.

WHEREAS, vehicle impoundment is part of a comprehensive strategy to combat illegal dumping, a strategy that also includes increased fines for illegal dumping, video surveillance to catch perpetrators, and “amnesty days” at local dumpsites.

WHEREAS, for the purposes of this Ordinance, text with underlined type shall constitute additions to the original text and text with strike-through type shall constitute deletions to the original text.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Chapter 9, Section 9-60-7 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 9-60-7. Violations--Penalties

A. A person who violates a provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$50.00. Each violation is considered a separate offense and punishable as such.

~~B. The judge, in his or her discretion, may allow the person convicted of a violation of this chapter to remove the litter the person threw, dumped, deposited or cause to be thrown, dumped or deposited from the property in lieu of the penalty as provided in this Section.~~

B. Additionally, if the throwing, dumping or depositing of litter was done from a motor vehicle, with the aid of a motor vehicle, or in connection with a motor vehicle, such motor vehicle may be impounded for a period of not more than 6 months. Such impounded vehicle shall not be released unless: (1) the motor vehicle is no longer needed as evidence in the criminal prosecution of the person accused of violating this Chapter; (2) the owners of such vehicle makes payment of any outstanding unpaid citations, towing, handling, and storage imposed thereon; and (3) the owner of such vehicle presents proof of ownership or right to possession of the impounded vehicle.

C. Officers of the Division of Police Services, Code Enforcement, and any other city force properly authorized to enforce any provision of the Memphis Code of Ordinances shall have the authority to enforce any provision of this Section. If a vehicle is impounded, it shall be the duty of such officer or other city personnel to inform in writing, as soon as practicable, the owner of an impounded vehicle of the nature and circumstances on account of which such vehicle was impounded. The notice shall also inform the owner that if he or she feels the vehicle was impounded in error, he or she may arrange for a prompt hearing before the city claim agent, or his or her designee, by contacting him or her during normal business hours. The notice shall also state that the owner has a right to present evidence in his or her own behalf, to have a representative, and to have a decision that states its basis in writing. The city claim agent, or his or her designee, shall hold a hearing as soon as practicable after request and shall have the authority to immediately grant a free release in those cases when a motor vehicle was impounded in error. Any decision of the city claim agent, or his or her designee, concerning these matters may be appealed within ten days to the city attorney, or his or her designee.

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 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 on the later of: after it is 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.

LEE HARRIS
Council Member

BILL MORRISON
Chairman

Attest:
Patrice Thomas, Comptroller

AN ORDINANCE TO AMEND CHAPTER 9-58 (TIRE BUSINESS AND TIRE HAULER REGISTRATION) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING.

WHEREAS, illegal dumping, particularly large-scale dumping of commercial waste, is a continuing and costly problem for the City of Memphis.

WHEREAS, the Department of Public Works has identified 156 so-called “hotspots” that are regularly used as dumpsites.

WHEREAS, these hotspots are typically hidden areas of very low traffic, frequently on the edges of Memphis, between the City of Memphis and unincorporated parts of the county.

WHEREAS, the Department of Public Works currently responds to illegal dumping by cleaning waste and patrolling these hotspots, spending nearly a half a million dollars a year cleaning up after illegal dumpers.

WHEREAS, illegal dumping spreads potentially hazardous waste, slows down standard municipal waste services, creates blight on communities, and negatively impacts community property values.

WHEREAS, vehicle impoundment is one potential strategy to combat illegal dumping, which can allow police officers and code enforcement officers to call for the impoundment of vehicles used in connection with illegal dumping.

WHEREAS, vehicle impoundment is part of a comprehensive strategy to combat illegal dumping, a strategy that also includes increased fines for illegal dumping, video surveillance to catch perpetrators, and “amnesty days” at local dumpsites.

WHEREAS, for the purposes of this Ordinance, text with underlined type shall constitute additions to the original text and text with strike-through type shall constitute deletions to the original text.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Chapter 9, Section 9-58-12 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 9-58-12. Violations and Penalties

A. The improper storage of one or more tires shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each improperly stored tire on the location of the tire business. Each day of continued violation of this subsection constitutes a separate offense.

B. The transport of one or more tires without the required permit and decal shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire being transported in violation of this chapter. Each day of continued violation of this subsection constitutes a separate offense.

C. The improper dumping of a tire shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire found improperly dumped that is related back to a specific tire business. Each day of continued violation of this subsection constitutes a separate offense.

D. Additionally, if the improper dumping of one or more tires was done from a motor vehicle, with the aid of a motor vehicle, or in connection with a motor vehicle, such motor vehicle may be impounded for a period of not more than 6 months. Such impounded vehicle shall not be released unless: (1) the motor vehicle is no longer needed as evidence in the criminal prosecution of the person accused of violating this Chapter; (2) the owners of such vehicle makes payment of any outstanding unpaid citations, towing, handling, and storage imposed thereon; and (3) the owner of such vehicle presents proof of ownership or right to possession of the impounded vehicle.

E. Officers of the Division of Police Services, Code Enforcement, and any other city force properly authorized to enforce any provision of the Memphis Code of Ordinances shall have the authority to enforce any provision of this Section. If a vehicle is impounded, it shall be the duty of such officer or other city personnel to inform in writing, as soon as practicable, the owner of an impounded vehicle of the nature and circumstances on account of which such vehicle was impounded. The notice shall also inform the owner that if he or she feels the vehicle was impounded in error, he or she may arrange for a prompt hearing before the city claim agent, or his or her designee, by contacting him or her during normal business hours. The notice shall also state that the owner has a right to present evidence in his or her own behalf, to have a representative, and to have a decision that states its basis in writing. The city claim agent, or his or her designee, shall hold a hearing as soon as practicable after request and shall have the authority to immediately grant a free release in those cases when a motor vehicle was impounded in error. Any decision of the city claim agent, or his or her designee, concerning these matters may be appealed within ten days to the city attorney, or his or her designee.

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 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 on the later of: after it is 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.

LEE HARRIS
Council Member

BILL MORRISON
Chairman

Attest:
Patrice Thomas, Comptroller

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON NATIONAL ORIGIN, ETHNICITY, AGE, AND DISABILITY.

WHEREAS, it is the intent of the Memphis City Council to strengthen their existing nondiscrimination policies and practices in accordance with State and Federal law; and

WHEREAS, it is the intent of the Memphis City Council to enact an ordinance that promotes the fair treatment and rights of individuals, without regard to national origin, ethnicity, age or disability; and

WHEREAS, is not the intent of the Memphis City Council to create any additional protected classes through the adoption of this ordinance or to have this ordinance interpreted by any commission, court, or other body as elevating one group into a protected class; and

WHEREAS, it is not the intent of the Memphis City Council to interfere with or in any way affect the hiring or personnel policies of its vendors, partners, contractors, or grantees through the adoption of this ordinance.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Chapter 9, Section 9-5 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 9-5. No Discrimination in City Employment.

There shall be no discrimination in city employment of personnel because of religion, race, sex, creed, political affiliation, national origin, ethnicity, age, disability or other non-merit factors, nor shall there be any discrimination in the promotion or demotion of city employees because of religion, race, sex, creed, political affiliation, national origin, ethnicity, age, disability or other non-merit factors.

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 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 on the later of: after it is 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.

LEE HARRIS
Council Member

BILL MORRISON
Chairman

ATTEST:
PATRICE THOMAS, COMPTROLLER



Memphis City Council Summary Sheet

Resolution for Gaston Community Center Repairs, PK01026

- This Resolution seeks approval of best bid Gaston Community Center Repairs from Barnes and Brower, Inc. in the amount of \$127,286, plus contingency of \$31,822 for a total of \$159,108. Resolution also seeks to appropriate \$159,108 in Contract Construction for CIP Project Number, PK01026 – Gaston Community Center Repairs.
- The initiating party is the Division of Park and Neighborhood Services.
- This Resolution does not change any existing Ordinance or Resolution.
- This Resolution does require a new contract.
- This Resolution does require an expenditure of \$159,108 in CIP funds.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Gaston Community Center Repairs, CIP Project Number PK01026, as part of the Fiscal Year 2011 Capital Improvement Budget; and

WHEREAS, two (2) bids were received on March 30, 2012 for Gaston Community Center Repairs, with the lowest and best complying bid from Barnes & Brower, Inc. in the amount of \$127,286.00; and

WHEREAS, it is necessary to appropriate \$159,108.00, CIP Project Number PK01026 Contract Construction funded by G.O. Bonds General for Gaston Community Center Repairs for the following:

Base Bid Amount	\$127,286.00
Contingency	<u>31,822.00</u>
TOTAL	\$159,108.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the amount of \$159,108.00 in Contract Construction, funded by G.O. Bonds General for Gaston Community Center Repairs, chargeable to the Fiscal Year 2013 Capital Improvement Budget with said appropriation being credited as follows:

Gaston Community Center Repairs	\$159,108.00
CIP Project Number	PK01026 G.O. Bonds
Total Construction Cost	\$159,108.00



Memphis City Council Summary Sheet

1. Resolution amending the FY2013 Operating Budget by approving the budget amendment to appropriate the funds for the TDZ Project Cost in the amount of \$1,714,011.71, and to allocate said funds to continue the City of Memphis's redevelopment efforts for the Pyramid Redevelopment Project and the Fairgrounds Redevelopment Project.
2. The initiating parties are the City of Memphis and the Division of Housing and Community Development.
3. This resolution is not a change to an existing ordinance or resolution.
4. Amendment of an existing contract is applicable.
5. The expenditure of funds will require an expenditure of funds and requires a budget amendment for the FY2013 City Operating Budget year.

RESOLUTION

WHEREAS, on August 16, 2011, the Council of the City of Memphis passed a resolution requesting Center City Revenue Finance Corporation (“CCRFC”) issue and sell, at one time or from time to time, Bonds in an aggregate principal amount necessary to fund the project costs for the Pyramid Redevelopment Project (the “Project”) which, when received by the City of Memphis shall be allocated and appropriated for the Project (the TDZ bonds); and

WHEREAS, pursuant to TCA §7-88-103 of the Convention Center and Tourism Development Financing Act of 1998, as amended (the TDZ Statute) eligible project cost, as applied to any public use facility includes, but is not limited to, any such eligible costs incurred by the municipality relating to the public use facility within one (1) year prior to the municipality's designation of the proposed tourism development zone for such facility; and

WHEREAS, pursuant to Section 406 (c) of the Trust Indenture relative to the aforementioned bond issue, as of June 30 of any Fiscal Year, any funds not required for debt service may be applied or paid to application by the Bond Trustee in accordance with the Written Request of the City to pay Costs of the Project or to reimburse the City for Costs of the Project theretofore paid by the City for which it has not been previously reimbursed; and

WHEREAS, prior to the issuance of the TDZ bonds the City, by and through the Division of Housing and Community Development, funded all eligible project due diligence costs of Eight Hundred Fifty Two Thousand Five Hundred Fifty Six and 66/100 Dollars (\$852,556.66) in non-federal funds and Eight Hundred Sixty One Thousand Four Hundred Fifty Five and 05/100 Dollars (\$861,455.05) in federal funds, totaling One Million Seven Hundred Fourteen Thousand Eleven and 71/100 Dollars (\$1,714,011.71); and

WHEREAS, in accordance with the Trust Indenture, and as eligible under the TDZ statute, it is been determined that sufficient funds exist to reimburse the City for these Costs of the Project; and

WHEREAS, it is now the intent of the City to make a Written Request to the Bond Trustee to pay the City the aforementioned Costs of the Project (TDZ Project Costs); and

WHEREAS, upon receipt of said funds, it is the intent of the City to appropriate and allocate said funds to continue the City’s redevelopment efforts for the Pyramid Redevelopment Project and the Fairgrounds Redevelopment Project; and

WHEREAS, it is now necessary to amend the FY 2013 Operating Budget by approving the budget amendment to appropriate the funds for the TDZ Project Costs in the amount of One Million Seven Hundred Fourteen Thousand Eleven and 71/100 Dollars (\$1,714,011.71) and to allocate said funds as provided below.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that a Written Request to pay the City the aforementioned Costs of the Project (TDZ Project Costs) shall be appropriately prepared and submitted to the Bond Trustee; and

THEREFORE, BE IT FURTHER RESOLVED that upon receipt of the TDZ Project Cost funds from the Bond Trustee, the FY 2013 Operating Budget be hereby amended to appropriate the TDZ Project Costs in the amount of One Million Seven Hundred Fourteen Thousand Eleven and 71/100 Dollars (\$1,714,011.71) and said funds shall also hereby be allocated and credited as follows:

Project:	CD90004
Fund:	0205
Expenditure Type:	052528 – Miscellaneous Professional Services
Award #:	12396
Funding Amount:	\$852,556.66

Project:	CD90004
Fund:	0221
Expenditure Type:	052528 – Miscellaneous Professional Services
Award #:	12567
Funding Amount:	\$861,455.05



Memphis City Council Summary Sheet

Resolution seeking acceptance of a donation in the amount of \$1,000.00 from Wal-Mart, awarded to the City of Memphis Police Department to provide for the building of additional storage for archive files and law enforcement equipment and repairs.

- This is a resolution to accept donated funds from Wal-Mart in the amount of \$1,000.00 specifically for the building of additional storage for archive files and law enforcement equipment and repairs.
- The City of Memphis Division of Police Services is awarded these funds and will serve as the fiscal agent.
- This is a new donation pending Council approval.
- Acceptance will require an amendment to the 2013 Operating Budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded a donation in the amount of One Thousand Dollars (\$1,000.00) from Wal-Mart; and

WHEREAS, the donation is intended to provide for the building of additional storage for archive files, to include law enforcement equipment and repairs; and

WHEREAS, it is necessary to accept the donation and amend the Fiscal Year 2013 Operating Budget to establish funds; and

WHEREAS, it is necessary to appropriate the funds in the amount of One Thousand Dollars (\$1,000.00) from Wal-Mart.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donation in the amount of One Thousand Dollars (\$1,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriating the Revenues and Expenditures for the Wal-Mart donation as follows:

REVENUES

<u>049623 – Miscellaneous Revenue</u>	<u>\$1,000.00</u>
Total	\$1,000.00

EXPENDITURES

<u>052342 – Materials & Supplies</u>	<u>\$1,000.00</u>
Total	\$1,000.00



Memphis City Council Summary Sheet

Resolution to appropriate G.O. Bonds to purchase firefighter turnout clothing from Capital Project FS04001 Personal Protective Equipment in the amount of \$657,700.00.

1. This item is a resolution to appropriate G.O. Bonds to purchase firefighter turnout clothing purchased in prior years that no longer meet NFPA guidelines, replace turnout gear that have been damaged or worn beyond use, and to purchase new turnout gear for recruits.
2. Fire Services is continually purchasing new and replacing worn out turnout gear.
3. The original contract was signed on July 28, 2005 between the City of Memphis and Total Fire Group.
4. This item requires an appropriation of G.O. Bonds that were allocated in the FY13 Capital Improvement Budget.



RESOLUTION

WHEREAS, Project Number FS04001, Fire Fighting Turnouts/Fire Protective Ensemble, for the purchase of Fire Fighting Turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing, is included in the FY 2013 Capital Improvement budget; and

WHEREAS, the original contract was signed on July 28, 2005 in the amount of \$3,074,092.32 being executed between the City of Memphis and Total Fire Group; and

WHEREAS, it is necessary to appropriate \$657,700.00 in General Obligation Bonds for the purchase of Fire Fighting Turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing, and

WHEREAS, the funding for the purchase of the Fire Fighting Turnouts has been Allocated in Capital Improvement Project Number FS04001, Other Costs

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$657,700.00 in General Obligation Bonds chargeable to the FY 2013 Capital Improvement Budget and credited as follows:

Project Title	Personal Protective Equipment
Project Number	FS04001
Amount	\$657,700.00

General Ob ligations Bonds



Memphis City Council Summary Sheet

Resolution to appropriate G. O. Bonds to replace, test, and repair self contained breathing apparatus from Capital Project FS04001 Personal Protective Equipment in the amount of \$111,898.00.

1. This item is a resolution to appropriate G. O. Bonds to replace, test, and repair self contained breathing apparatus.
2. Fire Service is continually replacing, testing, and repairing self contained breathing apparatus.
3. The original contract was signed on February 12, 2004 between the City of Memphis and Draeger Safety, Inc.
4. This item requires an appropriation of G.O. Bonds that were allocated in the FY13 Capital Improvement Budget.



RESOLUTION

WHEREAS, Project Number FS04001, Personal Protective Equipment, Other Costs, for the purchase of Airmask System Units and Accessories, is included in the FY 2013 Capital Improvement budget; and

WHEREAS, the original contract was signed on February 12, 2004 in the amount of \$2,696,169.00 being executed between the City of Memphis and Draeger Safety, Inc.; and

WHEREAS, the funding for the purchase of the Airmask System Units and Accessories has been allocated in Capital Improvement Project Number FS04001, Personal Protective Equipment, Other Costs; and

WHEREAS, it is necessary to appropriate \$111,898.00 in General Obligation Bonds for the purchase of these Airmask System Units and Accessories designated for annual procurement of replacement Airmask Units:

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$111,898.00 in General Obligation Bonds chargeable to the FY 2013 Capital Improvement Budget and credited as follows:

Project Title	Personal Protective Equipment
Project Number	FS04001
Amount	\$111,898.00

General Obligations Bonds



Memphis City Council Summary Sheet

Resolution approving a one year extension of the Temporary Pilot Time-of-Use Residential Rate and requesting the Memphis City Council to convene as a ratemaking body for the purpose of approving the one year extension of the Temporary Pilot Time-of-Use Residential Rate.

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

This is a one year extension of the temporary time-of-use residential pilot rate that requires rate making action by the City Council.

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

MLGW requests the ratemaking authority of the City Council to enact this temporary rate action.

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

No change. This is a one year extension of the rate option.

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.

None.

RESOLUTION

WHEREAS, pursuant to Section 7 of Chapter 381 of the Private Acts of 1939, which amended the Charter of the City of Memphis, and which section was codified as City of Memphis Charter Section 680 (“Ratemaking Charter Provisions”), authority is granted to the governing body of the City of Memphis to convene as a Ratemaking Board to finally approve the one year extension of the Temporary Pilot Time-of-Use Residential Rate for Memphis Light, Gas and Water Division (“MLGW”); and

WHEREAS, the Board of Commissioners of MLGW has made application under said Ratemaking Charter Provisions and the City Charter for the Council to hold a public hearing at which time the Council will convene as a Ratemaking Board to consider approval by the Council of the one year extension of the Temporary Pilot Time-of-Use Residential Rate recommended by MLGW;

WHEREAS, the City Council, as authorized by the Ratemaking Charter Provisions, convened a public hearing as a Ratemaking Board for the purpose of considering approval of the one year extension of the Temporary Pilot Time-of-Use Residential Rate as proposed by MLGW;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, properly convened and sitting as a Ratemaking Board pursuant to Ratemaking Charter Provisions and the Charter as a whole, that the rate application of the Memphis Light, Gas and Water Division consisting of correspondence, written statements and exhibits filed herewith and the resolution of the Board of Light, Gas and Water Commissioners recommending said on year extension of temporary pilot rates (“MLGW Rate Application”) is hereby approved and the one year extension of the Temporary Pilot Time-of-Use Residential Rate is hereby approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 19, 2012

The President submitted for consideration of the Board an extension of the Temporary Pilot Time-of-Use Residential Rate for the period beginning 10/1/2012 and ending 09/30/2013. The extension of the Temporary Pilot Time-of-Use Residential Rate will be available only to those residential customers who have elected the voluntary rate and a possible addition of up to six electric vehicle participants. The Time-of-Use Residential Rate features "on-peak" and "off-peak" hours during the Summer and Winter billing months. Electricity prices are higher during on-peak hours and lower during off-peak hours as well as during Transition billing months. Saturdays and Sundays, as well as six designated Federal holidays, are considered off-peak during all billing months.

The Temporary Pilot Time-of-Use Residential Rate uses price signals to encourage conservation and load shifting from high-cost/high-demand periods to low-cost/low-demand periods. The customer's ability to respond determines the electricity cost savings. NOW, THEREFORE, BE IT RESOLVED THAT:

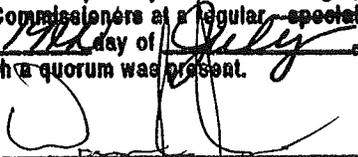
The Temporary Pilot Time-of-Use Residential Rate as outlined in the foregoing preamble, is hereby approved in substantially the form attached as Exhibit A hereto.

BE IT FURTHER RESOLVED THAT the extension of the Temporary Pilot Time-of-Use Residential Rate is recommended for approval by the Memphis City Council and the President is directed to submit the Temporary Pilot Time-of-Use Residential Rate to the Memphis City Council for approval.

BE IT FURTHER RESOLVED THAT the Memphis City Council is hereby requested to convene as a ratemaking body for the purpose of approving the extension of the Temporary Pilot Time-of-Use Residential Rate.

BE IT FURTHER RESOLVED THAT the President is directed to cause to be published in a newspaper of general circulation in Shelby County, Tennessee a public notice of the intention of MLGW to seek approval from the Memphis City Council of the extension of the Temporary Pilot Time-of-Use Residential Rate at a ratemaking hearing to be convened for that purpose as determined by the City Council.

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 19th day of July, 2012, at which a quorum was present.



Secretary - Treasurer

Effective October 1, 2012 through September 30, 2013

**EXHIBIT A
MEMPHIS LIGHT, GAS AND WATER DIVISION
CITY OF MEMPHIS
TEMPORARY PILOT TIME-OF-USE RESIDENTIAL RATE**

AVAILABILITY

This Temporary Pilot Time-of-Use Residential Electric Rate option shall be available only to customers participating in MLGW's Smart Grid Demonstration Project and for electric service to a single-family dwelling (including its appurtenances if served through the same meter), where the major use of electricity is for domestic purposes such as lighting, household appliances, and the personal comfort and convenience of those residing therein.

Electricity supplied under the Voluntary Time-of-Use Residential Electric Rate Agreement is for the exclusive use of the Customer and shall not be resold or shared with others.

CHARACTER OF SERVICE

Alternating current, single-phase, 60 hertz. Power shall be delivered at a service voltage available in the vicinity or agreed to by MLGW. Multi-phase service shall be supplied in accordance with MLGW's standard policy.

BASE CHARGES

Customer Charge: \$11.20 per month, less
Hydro Allocation Credit: \$1.60 per month

Energy Charge:

Summer On-Peak kWh per month	\$0.13164
Summer Off-Peak kWh per month	\$0.04490
Winter On-Peak kWh per month	\$0.07626
Winter Off-Peak kWh per month	\$0.04490
Transition kWh per month	\$0.04490

DETERMINATION OF SEASONAL PERIODS

Summer Period shall mean the June, July, August, and September calendar months. Winter Period shall mean the December, January, February, and March calendar months. Transition Period shall mean the April, May, October, and November calendar months.

DETERMINATION OF ON-PEAK AND OFF-PEAK HOURS

Except for Saturdays and Sundays and the weekdays that are observed as Federal holidays for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, on-peak hours for each day shall be (a) from 12 p.m. to 8 p.m. during the Summer Period and (b) from 4 a.m. to 10 a.m. during the Winter Period. All other hours of each day and all hours of such excepted days shall be off-peak hours. Such times shall be Central Standard Time or Central Daylight Time, whichever is then in effect.

TENNESSEE VALLEY AUTHORITY FUEL COST AND PURCHASED POWER ADJUSTMENT RIDER

The above rates are subject to adjustment under the provisions of the Tennessee Valley Authority Fuel Cost and Purchased Power Adjustment Rider.

ADJUSTMENT

The base energy charge shall be increased or decreased in accordance with the current Adjustment Addendum published by TVA. (In addition, the base energy charge and the hydro allocation credit shall be increased or decreased to correspond to increases or decreases determined by TVA in the value of the hydro generation benefit allocated to residential customers.)

MINIMUM MONTHLY BILL

The base customer charge, as reduced by the hydro allocation credit, constitutes the minimum monthly bill for the Customer unless the Customer is one for whom a higher minimum monthly bill is required under MLGW's standard policy because of special circumstances affecting MLGW's cost of rendering service.

Bills will be rendered monthly. Any amount of bill unpaid after due date specified on bill may be subject to additional charges under MLGW's standard policy.

SINGLE-POINT DELIVERY

The charges under the TOU Agreement are based upon the supply of service through a single delivery and metering point, and at a single voltage.

Service is subject to the Rules and Regulations of MLGW.



Memphis City Council Summary Sheet

Resolution approving transfer of funds from the Common Fund to the OPEB Trust in an estimated amount of \$15,461,870.00, with a settlement at year end to equal the 2012 Annual OPEB Cost.

- This item is a resolution to approve annual funding to the MLGW OPEB Trust Fund for 2012.
- This resolution is being initiated by MLGW on behalf of the MLGW OPEB Trust Fund.
- The OPEB Trust Fund requires funding on an annual basis.
- N/A
- No.

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at their meeting held July 19, 2012 approved a transfer of funds to equal the 2012 Annual OPEB Cost from the MLGW Common Fund to the MLGW OPEB Trust. The estimated amount of \$15,461,870.00 will be transferred with a settlement at year-end to equal the Annual OPEB Cost;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the transfer of funds equal to the 2012 Annual OPEB Cost, estimated at \$15,461,870.00, from the MLGW Common Fund to the MLGW OPEB Trust is approved as outlined in the foregoing preamble.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 19, 2012

The Secretary-Treasurer submitted for approval of the Board, a transfer of funds to equal the 2012 Annual OPEB Cost from the Common Fund to the OPEB Trust. The transfer is estimated to be \$15,461,870.00. This is an addition to the Division contributions in relation to the annual required contribution (ARC) for post-employment benefits paid by the Division on behalf of retirees.

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

THAT, the estimated amount of \$15,461,870.00 be transferred from the Common Fund to the OPEB Trust with a settlement at year-end to equal the 2012 Annual OPEB Cost. The transfer of funds for the 2012 Annual OPEB Cost is hereby approved; and further,

THAT, said transfer will be submitted to the Council of the City of Memphis for approval.

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 ~~regular~~ special meeting held on 19th day of July 2012 at which a quorum was present.


Secretary - Treasurer



Memphis City Council Summary Sheet

Resolution approving actuarial funding to the MLGW Retirement and Pension System in the amount of \$30,067,184.00 for the 2012 Plan Year.

- This item is a resolution approving the actuarial funding to the MLGW Pension Fund for the 2012 Plan Year.
- This resolution is being initiated by MLGW on behalf of the MLGW Retirement and Pension System.
- The Retirement and Pension Plan requires funding on an annual basis.
- N/A
- No.

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at their meeting held July 19, 2012, approved an amendment to the Memphis Light, Gas and Water Division Retirement and Pension System, as amended and restated effective January 1, 2009 (the "Plan").

NOW, THEREFORE, BE IT RESOLVED BY the Council of the City of Memphis that the Memphis Light, Gas and Water Division Retirement and Pension System is hereby amended as follows:

ARTICLE III, Section 3.2 *Contributions by the Division*, subparagraph(s) Amount, shall be amended by deleting the current said Section 3.2 (a) in its entirety and substituting in place thereof the following Section 3.2(a):

3.2 Contributions by the Division.

(a) Amount. The Division shall contribute to the Fund such amounts as from time to time are estimated by the Actuary to be sufficient, on an actuarially sound basis, after taking into account Participant Contributions and earnings thereon, to provide Accrued Benefits under the Plan. Such Contributions shall be obligations of the Division, and the Board of Commissioners shall appropriate annually such amounts as are necessary to make such payments. Effective January 1, 2001, and until further determination by the Board of Commissioners with approval by the City Council, the Division's contribution shall be equal to 8% of total Compensation, as defined under the Plan, of all active Participants. Notwithstanding anything in the foregoing to the contrary, for the 2012 Plan Year, as defined in Section 1.51 hereof, but solely for said 2012 Plan Year, the Division's contribution shall be 19.52% of total Compensation (or approximately \$30,067,184). Division contributions shall be determined and paid to the Fund as soon as practicable following each payroll period.

E X C E R P T
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
July 19, 2012

The Secretary-Treasurer stated that the Pension Board had approved and was recommending to the Board of Commissioners, an amendment to the Memphis Light, Gas and Water Division Retirement and Pension System, as amended and restated effective January 1, 2009 (the "Plan").

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 Memphis Light, Gas and Water Division Retirement and Pension System is hereby amended as follows:

ARTICLE III, Section 3.2 *Contributions by the Division*, subparagraph(s) Amount, shall be amended by deleting the current said Section 3.2 (a) in its entirety and substituting in place thereof the following Section 3.2(a):

3.2 Contributions by the Division.

(a) Amount. The Division shall contribute to the Fund such amounts as from time to time are estimated by the Actuary to be sufficient, on an actuarially sound basis, after taking into account Participant Contributions and earnings thereon, to provide Accrued Benefits under the Plan. Such Contributions shall be obligations of the Division, and the Board of Commissioners shall appropriate annually such amounts as are necessary to make such payments. Effective January 1, 2001, and until further determination by the Board of Commissioners with approval by the City Council, the Division's contribution shall be equal to 8% of total Compensation, as defined under the Plan, of all active Participants. Notwithstanding anything in the foregoing to the contrary, for the 2012 Plan Year, as defined in Section 1.51 hereof, but solely for said 2012 Plan Year, the Division's contribution shall be 19.52% of total Compensation (or approximately \$30,067,184). Division contributions shall be determined and paid to the Fund as soon as practicable following each payroll period.

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 ~~regular~~ ^{special} meeting held on 19th day of July, 2012, at which a quorum was present.



Secretary - Treasurer



Memphis City Council Summary Sheet FY2012

- This item is a Resolution approving a lease agreement with option to purchase with NUCOR STEEL MEMPHIS, INC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on February 17, 2012.
- 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 with an option to purchase approximately 41 acres of land in the Frank C. Pidgeon Industrial Park.
- This Resolution does not amend an existing contract. The resolution is for a new lease agreement with an option to purchase.
- This Resolution does not require an expenditure of funds. This is for lease agreement whereby NUCOR STEEL MEMPHIS, INC. will pay One Hundred and no/100 dollars annually for rental payment on a lease agreement which includes an option to purchase approximately 41 acres of land from The Memphis and Shelby County Port Commission, The City of Memphis and The County of Shelby. The lease agreement is for a term of 15 years. The real estate described in Exhibit "A" and shown in Exhibit "E" of this lease agreement consists of approximately 41 acres in the Frank C. Pidgeon Industrial Park. This lease agreement with option to purchase gives NUCOR STEEL MEMPHIS, INC. the right to lease the property under certain circumstances as set forth in the lease agreement. It provides an option to purchase the property with the per acre price being determined by stipulations set forth in this agreement as to employment numbers. After the completion of the 2nd lease year should Nucor's employment fall below 319 full time employees at any time for 24 consecutive calendar months, Nucor will be deemed to have automatically exercised the Option to Purchase.

**CITY OF MEMPHIS
RESOLUTION APPROVING LEASE AGREEMENT WITH
OPTION TO PURCHASE
WITH NUCOR STEEL MEMPHIS, INC.**

WHEREAS, Nucor Steel Memphis, Inc. (“Nucor”) has requested that the Memphis and Shelby County Port Commission enter into a Lease Agreement with option providing that Nucor lease certain real property for the purpose of future expansion in Pidgeon Industrial Park with an option to purchase such property. The Agreement would provide that approximately 41 acres would be available for lease and eventual purchase by Nucor.

WHEREAS, said proposed Lease and Option Agreement is in the best interests of the Memphis and Shelby County Port Commission and the City of Memphis and County of Shelby and promotes the development of Pidgeon Industrial Park and the economic enhancement of the community including additional employment.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the Lease Agreement with Option to Purchase with Nucor 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.

PORT COMMISSION RESOLUTION

WHEREAS, Nucor Steel Memphis, Inc. (“Nucor”) has requested that the Memphis and Shelby County Port Commission enter into a Lease Agreement with option providing that Nucor lease certain real property for the purpose of future expansion in Pidgeon Industrial Park with an option to purchase such property. The Agreement would provide that approximately 41 acres would be available for lease and eventual purchase by Nucor.

WHEREAS, said proposed Lease and Option Agreement is in the best interests of the Memphis and Shelby County Port Commission and the City of Memphis and County of Shelby and promotes the development of Pidgeon Industrial Park and the economic enhancement of the community including additional employment.

NOW, THEREFORE, BE IT RESOLVED by the Memphis and Shelby County Port Commission that the proposed Lease Agreement with Option to Purchase with Nucor be and hereby is approved. The appropriate officials are authorized to execute same.

BE IT FURTHER RESOLVED that the City of Memphis and County of Shelby are respectfully requested to approve said Agreement.

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 17th day of February, 2012.


Secretary/Treasurer



Memphis City Council Summary Sheet FY2012

- This item is a Resolution approving a lease agreement with option to purchase with NUCOR STEEL MEMPHIS, INC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on February 17, 2012.
- 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 with an option to purchase approximately 41 acres of land in the Frank C. Pidgeon Industrial Park.
- This Resolution does not amend an existing contract. The resolution is for a new lease agreement with an option to purchase.
- This Resolution does not require an expenditure of funds. This is for lease agreement whereby NUCOR STEEL MEMPHIS, INC. will pay One Hundred and no/100 dollars annually for rental payment on a lease agreement which includes an option to purchase approximately 41 acres of land from The Memphis and Shelby County Port Commission, The City of Memphis and The County of Shelby. The lease agreement is for a term of 15 years. The real estate described in Exhibit "A" and shown in Exhibit "E" of this lease agreement consists of approximately 41 acres in the Frank C. Pidgeon Industrial Park. This lease agreement with option to purchase gives NUCOR STEEL MEMPHIS, INC. the right to lease the property under certain circumstances as set forth in the lease agreement. It provides an option to purchase the property with the per acre price being determined by stipulations set forth in this agreement as to employment numbers. After the completion of the 2nd lease year should Nucor's employment fall below 319 full time employees at any time for 24 consecutive calendar months, Nucor will be deemed to have automatically exercised the Option to Purchase.

**CITY OF MEMPHIS
RESOLUTION APPROVING LEASE AGREEMENT WITH
OPTION TO PURCHASE
WITH NUCOR STEEL MEMPHIS, INC.**

WHEREAS, Nucor Steel Memphis, Inc. (“Nucor”) has requested that the Memphis and Shelby County Port Commission enter into a Lease Agreement with option providing that Nucor lease certain real property for the purpose of future expansion in Pidgeon Industrial Park with an option to purchase such property. The Agreement would provide that approximately 41 acres would be available for lease and eventual purchase by Nucor.

WHEREAS, said proposed Lease and Option Agreement is in the best interests of the Memphis and Shelby County Port Commission and the City of Memphis and County of Shelby and promotes the development of Pidgeon Industrial Park and the economic enhancement of the community including additional employment.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the Lease Agreement with Option to Purchase with Nucor 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.

PORT COMMISSION RESOLUTION

WHEREAS, Nucor Steel Memphis, Inc. (“Nucor”) has requested that the Memphis and Shelby County Port Commission enter into a Lease Agreement with option providing that Nucor lease certain real property for the purpose of future expansion in Pidgeon Industrial Park with an option to purchase such property. The Agreement would provide that approximately 41 acres would be available for lease and eventual purchase by Nucor.

WHEREAS, said proposed Lease and Option Agreement is in the best interests of the Memphis and Shelby County Port Commission and the City of Memphis and County of Shelby and promotes the development of Pidgeon Industrial Park and the economic enhancement of the community including additional employment.

NOW, THEREFORE, BE IT RESOLVED by the Memphis and Shelby County Port Commission that the proposed Lease Agreement with Option to Purchase with Nucor be and hereby is approved. The appropriate officials are authorized to execute same.

BE IT FURTHER RESOLVED that the City of Memphis and County of Shelby are respectfully requested to approve said Agreement.

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 17th day of February, 2012.


Secretary/Treasurer



Memphis City Council Summary Sheet FY2012

- This item is a Resolution approving an option agreement with TENNESSEE VALLEY AUTHORITY ("TVA"), as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on April 13, 2012.
- Initiating Party: Memphis and Shelby County Port Commission
- This is not a change to an existing ordinance or resolution. This is a resolution for an option agreement to lease approximately 75 acres of land in the Frank C. Pidgeon Industrial Park.
- This Resolution does not amend an existing contract. The resolution is for a new option agreement.
- This Resolution does not require an expenditure of funds. This is for an option agreement whereby TENNESSEE VALLEY AUTHORITY ("TVA") will pay Thirty-five Thousand and no/100 dollars for an option to lease land from The Memphis and Shelby County Port Commission, The City of Memphis and The County of Shelby. The real estate described in Exhibit "A" and shown in Exhibit "B" of this option agreement consists of approximately 75 acres in the Frank C. Pidgeon Industrial Park. This option agreement gives TVA the right to lease the property under certain circumstances as set forth in the lease agreement, Exhibit "C" of this option agreement, which includes a provision that TVA may purchase the property at the end of the lease for one dollar and no/100 dollars (\$1.00). The lease agreement is for a period of 20 years with an annual rental payment of two thousand nine hundred ninety-five and 72/100 dollars (\$2,995.72) per acre, as determined by a final survey by TVA engineers.

**CITY OF MEMPHIS
RESOLUTION APPROVING OPTION AGREEMENT
WITH TENNESSEE VALLEY AUTHORITY**

WHEREAS, the Tennessee Valley Authority (“TVA”) has requested that the Memphis and Shelby County Port Commission enter into an Option Agreement providing that TVA purchase an option for certain real property for the purpose of future production of electric power in Pidgeon Industrial Park. The Option would provide that approximately 75 acres would be available for lease by TVA or its qualified assignee over a twenty (20) year period.

WHEREAS, said proposed Option Agreement is in the best interests of the Memphis and Shelby County Port Commission and the City of Memphis and County of Shelby and promotes the development of Pidgeon Industrial Park and the economic enhancement of the community including additional employment.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Option Agreement with the TVA 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.

PORT COMMISSION RESOLUTION

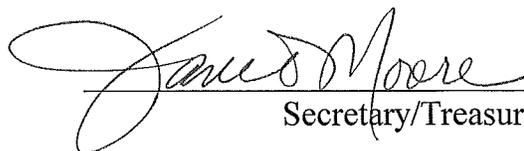
WHEREAS, the Tennessee Valley Authority (“TVA”) has requested that the Memphis and Shelby County Port Commission enter into an Option Agreement providing that TVA purchase an option for certain real property for the purpose of future production of electric power in Pidgeon Industrial Park. The Option would provide that approximately 75 acres would be available for lease by TVA or its qualified assignee over a twenty (20) year period.

WHEREAS, said proposed Option Agreement is in the best interests of the Memphis and Shelby County Port Commission and the City of Memphis and County of Shelby and promotes the development of Pidgeon Industrial Park and the economic enhancement of the community including additional employment.

NOW, THEREFORE, BE IT RESOLVED by the Memphis and Shelby County Port Commission that the proposed Option Agreement with TVA be and hereby is approved. The appropriate officials are authorized to execute same.

BE IT FURTHER RESOLVED that the City of Memphis and County of Shelby are respectfully requested to approve said Option Agreement.

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 13th day of April, 2012.


Secretary/Treasurer

RESOLUTION

WHEREAS, The neighborhood known as Victorian Village, bounded by Poplar Avenue, Manassas, Madison Avenue and Danny Thomas Blvd. has a nationally recognized collection of 19th century homes including the Mallory-Neely House Museum, The Woodruff-Fontaine House Museum and ten other structures listed on the National Register of Historic Places. These historic structures are significant to the history of the City and the core of our heritage tourism industry; and

WHEREAS, One historic mansion, located at 690 Adams Avenue and known as the James Lee House, has been owned by the City of Memphis since 1929. It was deeded to the City by a Donation Deed to house the Memphis College of Arts, formerly known as the Memphis Academy of Arts; and

WHEREAS, The Memphis Academy of Arts vacated the James Lee House in 1959 to relocate to a building now known as Rust Hall in Overton Park. The James Lee house has been vacant since that time. It is now in danger of being lost to neglect. The Memphis City Council agrees that the loss of the house, designated by the Library of Congress as an important national landmark, would be a loss for future generations. This body acknowledges that the Tennessee Preservation Trust has placed the James Lee House on its list of the ten most endangered landmarks in the state; and

WHEREAS, A special committee reviewing the Request for Proposals is comprised of members of the following organizations: Victorian Village, Inc., the Association for the Preservation of Tennessee Antiquities, Memphis Landmarks Commission, Division of General Services, Housing and Community Development and Center City Commission; and The members of this committee have met and agreed that the house should be restored and placed into adaptive reuse to preserve this important architectural treasure; and

WHEREAS, Memphis Center City Development Corporation has acted as the transactional agent for the James Lee House and surrounding property (the "Property") and issued a Request for Proposals to ultimately place the restoration and adaptive reuse with a private development company; and

WHEREAS, the special committee reviewing the Request for Proposals has selected James Lee House, LLC as developer of the Property.

NOW, THEREFORE BE IT RESOLVED that this City Council approves the, "James Lee House – Bed & Breakfast" proposal as recommend by the special committee, and, in that connection, hereby authorizes the Mayor of the City of Memphis to sell the property for \$1 to the Developer, James Lee House, LLC, and execute such documents that may be necessary for the sale of the Property to James Lee House, LLC; and

BE IT FURTHER RESOLVED that the City Council hereby recognizes the sale of the property is for the public benefit.

LEE HARRIS
Councilman