

WHEREAS, every year, National Donate Life observes Blue & Green Day to amplify the importance of registering as an organ and tissue donor, and encourage the public to wear blue and green to raise awareness; and

WHEREAS, more than 100,000 Americans, including 4,000 in the Mid-South area, are currently on the national transplant waiting list; and

WHEREAS, another person is added to the waiting list every 8 minutes, and on average, 17 people die every day because the organs they need are not donated in time; and

WHEREAS, we all can do our part to save lives by educating and encouraging our peers and loved ones to register as an organ and tissue donor; and

WHEREAS, the Memphis City Council supports National Donate Life and Mid-South Transplant Foundation and its efforts to bring new life to men, women and children in need of lifesaving organ and tissue transplants; and

WHEREAS, we hold those who have saved lives through the gift of donation in the highest regard and are grateful for their selflessness.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council does hereby designate the 12th day of April, 2024 as

Blue & Green Day Mid-South

in the City of Memphis, and thus encourages all residents to promote the importance of organ and tissue donation.

Adopted: April 9, 2024

Ordinance No. _____

AN ORDINANCE TO RENAME THE PINE HILL CLUBHOUSE IN HONOR OF CLEOPHUS HUDSON, SR. AND CHARLES HUDSON AS THE CLEOPHUS AND CHARLES HUDSON CLUBHOUSE IN THE CITY OF MEMPHIS

WHEREAS, on occasion, the Memphis City Council sees fit to recognize members of the Memphis community who have had a lasting impact and Cleophus Hudson, Sr. and Charles Hudson are certainly worthy of recognition for their significant contributions to the sport of golf and the community of Memphis, Tennessee, throughout their illustrious careers; and

WHEREAS, Cleophus Hudson, Sr. was a pioneer in the sport of golf, beginning his journey as a caddy at Memphis Country Club and later becoming one of the top golfers among minority players; and

WHEREAS, Cleophus Hudson, Sr. made history in 1962 as one of the first minorities to tee off at Pine Hill Golf Course following its desegregation, symbolizing a pivotal moment in the pursuit of equality and inclusion in sports; and

WHEREAS, Cleophus Hudson, Sr.'s son, Charles Hudson, made history as the first minority golf professional hired at Pine Hill Golf Course, furthering the family's contribution to the sport; and

WHEREAS, in 1991, Charles Hudson organized the Mid-South Junior Golf Association, a 501(c)(3) program dedicated to teaching thousands of youth how to play golf, fostering their development both on the off the golf course, and facilitating their access to higher education through golf scholarships; and

WHEREAS, Charles Hudson's dedication to the advancement of youth in golf extended beyond Memphis, as evidenced by his collaboration with the Tiger Woods Foundation in conducting youth golf clinics across various cities in the United States, including a clinic held at Pine Hill Golf Course in 1998, making him the only Golf Professional to bring Tiger Woods to Tennessee for such an event; and

WHEREAS, Charles Hudson's achievements have garnered recognition, including induction into Southern University's Sports Hall of Fame in 2016, highlighting his exceptional contributions to the sport of golf; and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapter 12 of the City of Memphis Code of Ordinances to rename the City of Memphis Pine Hill Clubhouse at 930 East Mallory Avenue in the city of Memphis, Tennessee in honor of Cleophus Hudson, Sr. and Charles Hudson in recognition of his legacy and enduring impact on the Memphis community.

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

Section 1. The City of Memphis Pine Hill Clubhouse at 930 East Mallory Avenue in the city of Memphis, Tennessee, and any replacement or successor facility, shall be renamed the "The Cleophus and Charles Hudson Clubhouse."

Section 2. Upon passage of this ordinance, the newly named "The Cleophus and Charles Hudson Clubhouse" shall be memorialized with a new facility sign and a suitable memorial plaque outside the clubhouse, acknowledging the honor. Any costs associated with the construction or installation of the sign

shall be incurred by the City of Memphis Parks Division, and if necessary, the Memphis Parks Division shall bring a funding resolution before the City Council for consideration.

Section 3. The City of Memphis Parks Division shall make the appropriate arrangements to alter any media collateral and associated documentation to denote the name change to “The Cleophus and Charles Hudson Clubhouse.”

Section 4. Severability. All provisions of this Ordinance are hereby severable and 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 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors:

Jana Swearengen-Washington

Edmund Ford, Sr.

Yolanda Cooper-Sutton

Jerri Green

Rhonda Logan

JB Smiley, Jr.

Chairman

Ordinance No. _____

An Ordinance Renaming S. Hollywood Street between Union Avenue and Southern Avenue as
Glenn Rogers, Sr. Street

WHEREAS, the Memphis City Council possesses naming and renaming powers for public streets, parks, and other public spaces pursuant to Ordinance No. 5759, which amended the City of Memphis Code of Ordinances for this purpose; and

WHEREAS, on occasion, the Memphis City Council sees fit to recognize members of the Memphis community who have had a lasting impact through the renaming of public streets and spaces in their honor; and

WHEREAS, Glenn Rogers, Sr. is certainly worthy of recognition for his historical impact at the University of Memphis, where he was the first African American football player for the university, playing for the team from 1968 to 1971; and

WHEREAS, Glenn Rogers, Sr. was awarded the M Club Hall of Fame Billy J. Murphy Award in 2000 from the University of Memphis for his post-football contributions to the community; and

WHEREAS, the Memphis City Council does wish to honor Glenn Rogers, Sr. by renaming a stretch of S. Hollywood Street adjacent to the Simmons Bank Liberty Stadium, which the Memphis Tigers football team calls home, to commemorate Mr. Roger's historical significance to the university and its football program.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the following street shall be renamed, and the administrative street renaming process shall proceed as follows:

- (A) S. Hollywood Street between Union Avenue and Southern Avenue shall be renamed as Glenn Rogers, Sr. Street.
- (B) The Memphis City Council, Division of Planning and Development, Division of Engineering, and any other applicable City of Memphis Divisions shall coordinate to perform the appropriate notifications and administrative protocols necessary to complete this permanent street name change.
- (C) The City Engineer is requested to affix suitable signs denoting the street as Glenn Rogers, Sr. Street.

Sponsors:

Chase Carlisle

Ford Canale

Yolanda Cooper-Sutton

Michalyn Easter-Thomas

Edmund Ford, Sr.

Jerri Green

Rhonda Logan

JB Smiley, Jr.

Philip Spinosa

Jana Swearengen-Washington

JB Smiley, Jr.

Chairman

Pearl Eva Walker
Dr. Jeff Warren
Janika White



RESOLUTION accepting public improvements for
Memphis Union Mission Phase 2A [CR#5388]
and releasing **Bond** held as security

WHEREAS, **Memphis Union Mission** is the Developer of a certain property within the present limits of the City of Memphis, as shown on the engineering plans, located at 383 Poplar Avenue, in Memphis, Tennessee,

and

WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are completed;

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Memphis Union Mission Phase 2A [CR#5388]** and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Travelers Casualty & Surety Company Performance Bond No. 107511589** in the amount of **\$49,500.00** and held as security, is hereby ordered released.



RESOLUTION accepting public improvements for:
Lucky Self-Storage - 325 G.E. Patterson Avenue [CR#5412]
and releasing Bond

WHEREAS, **C & M Builders Inc.**, is the Developer of a certain property in the present limits of the City of Memphis, located at 325 G.E. Patterson Avenue, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans; and
WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are completed;

and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Lucky Self-Storage - 325 G.E. Patterson Avenue [CR#5412]** and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the Berkley Insurance Company **Performance Bond No. 0247406** in the amount of **\$75,000.00**, held as project security, is hereby ordered released.

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding purchase order to WESCO Distribution, Inc., in the amount of \$792,000.00 for electric smart meters.

2. Additional Information

The electric smart meters are designed to measure electricity used in units of kilowatt hours. Kilowatt hours used are visible at the meter and communicated to the MLGW mesh network by the communication board in the meter.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024, approved the purchase of electric smart meters and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2024 fiscal year budget; and

WHEREAS, the electric smart meters are designed to measure electricity used in units of kilowatt hours. Kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter; and

WHEREAS, bids were opened on August 9, 2023. Notice to Bidders was advertised. Nineteen bids were solicited, and five bids were received with the lowest and best complying bidder being the firm of WESCO Distribution, Inc. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for electric smart meters from WESCO Distribution, Inc. for the sum of \$792,000.00 chargeable to the MLGW 2024 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order to WESCO Distribution, Inc. for electric smart meters in the amount of \$792,000.00.

The electric smart meters are designed to measure electricity used in units of kilowatt hours. Kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter.

Bids were opened on August 9, 2023. Notice to Bidders was advertised. Nineteen bids were solicited, and five bids were received with the lowest and best complying bidder being the firm of WESCO Distribution, Inc. This award complies with all applicable laws and policies.

The 2024 budgeted amount for Meter Services Manager Office is \$2,641,000.00; the amount spent-to-date is \$66,465.80; leaving a balance available of \$2,574,534.20; of which \$792,000.00 will be spent on this purchase order; leaving a balance of \$1,782,534.20 after award; and

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

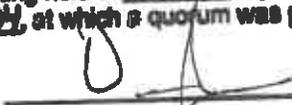
THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to WESCO Distribution, Inc. is approved for furnishing:

5,280 – Meter electric, Honeywell designation No. ZHCW4A00004, 1PH 240V 3W CL 200 W/AMR 3W1PAMR, form 2S, 240-volt single phase, 3-wire class 200 solid state demand meter REXU with EA-LAN, with no test links; all in accordance with MLGW Specification dated March 24, 2022.

Totaling \$792,000.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said

prices being firm; delivery in 36 weeks; terms net 30 days.

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 6th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12333, High-Speed Color Production Digital Printing Press, to Konica Minolta Business Solutions USA, Incorporated, to ratify and extend purchase order #7003484 under Contract No. 12333, in the funded amount of \$81,132.48.

2. Additional Information

The project scope is to provide high-speed color production digital printing press and service maintenance to MLGW's Communications Production and Distribution area.

This change is to ratify and extend purchase order #7003484 under Contract No. 12333 for an additional 12 months covering the period December 6, 2023 through December 5, 2024 in the amount of \$73,756.80. This ratification and extension are needed to pay for anticipated invoices that may occur during the extension period and to allow time for a new contract to be executed. MLGW also requests contingency funds in the amount of \$7,375.68 for any unforeseen printing overage fees. The total amount required for this ratification and extension is \$81,132.48. The new contract value is \$585,267.33.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12333 (*formerly Purchasing PO# 7003484*), High-Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48, and is now recommending to the Council of the City of Memphis that it approves said ratification and extension as approved; and

WHEREAS, the project scope is to provide high-speed color production digital printing press and service maintenance to MLGW's Communications Production and Distribution area which is located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7003484; and

WHEREAS, this change is to ratify and extend purchase order #7003484 under Contract No. 12333 for an additional 12 months covering the period December 6, 2023 through December 5, 2024 in the amount of \$73,756.80. This ratification and extension are needed to pay for anticipated invoices that may occur during the extension period and to allow time for a new contract to be executed. MLGW also requests contingency funds in the amount of \$7,375.68 for any unforeseen printing overage fees. The total amount required for this ratification and extension is \$81,132.48. This renewal complies with all applicable laws and policies. The new contract value is \$585,267.33; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12333 (*formerly Purchasing PO# 7003484*), High Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12333 (*formerly Purchasing PO# 7003484*), High-Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48.

The project scope is to provide high-speed color production digital printing press and service maintenance to MLGW's Communications Production and Distribution area which is located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7003484.

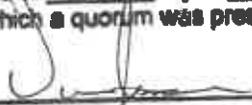
This change is to ratify and extend purchase order #7003484 under Contract No. 12333 for an additional 12 months covering the period December 6, 2023 through December 5, 2024 in the amount of \$73,756.80. This ratification and extension are needed to pay for anticipated invoices that may occur during the extension period and to allow time for a new contract to be executed. MLGW also requests contingency funds in the amount of \$7,375.68 for any unforeseen printing overage fees. The total amount required for this ratification and extension is \$81,132.48. This renewal complies with all applicable laws and policies. The new contract value is \$585,267.33.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No 12333 (*formerly Purchasing PO# 7003484*), High-Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Ratification and Extension.

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 6th day of March,
2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12334, high-speed black and white production digital printing press to Konica Minolta Business Solutions INC, Incorporated, to ratify and extend purchase order #7014995 under Contract No. 12334, in the Funded Amount of \$143,075.86.

2. Additional Information

The project scope is to provide two (2) high-speed black and white production digital printing presses and service maintenance to MLGW's Communications Production and Distribution area.

This change is to ratify and extend purchase order #7014995 under Contract No. 12334 for an additional 12 months covering the period December 18, 2023 through December 17, 2024 in the amount of \$130,068.96 which includes payment for the following two (2) outstanding invoices due to excessive printing fees for the Division and requests that were not projected: 1) Invoice #43739460 in the amount of \$10,839.08 and 2) Invoice #43538297 in the amount of \$13,511.29. Additional funding is also being requested to pay for future invoices that will be received for this service until a new contract is executed. MLGW also requests contingency funds in the amount of \$13,006.90 for any unforeseen printing overage costs that may occur. The total amount requested for this ratification and extension is \$143,075.56. The new contract value is \$669,646.42.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86, and is now recommending to the Council of the City of Memphis that it approves said ratification and extension as approved; and

WHEREAS, the project scope is to provide two (2) high-speed black and white production digital printing presses and service maintenance to MLGW's Communications Production and Distribution area located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7014995; and

WHEREAS, this change is to ratify and extend purchase order #7014995 under Contract No. 12334 for an additional 12 months covering the period December 18, 2023 through December 17, 2024 in the amount of \$130,068.96 which includes payment for the following two (2) outstanding invoices due to excessive printing fees for the Division and requests that were not projected: 1) Invoice #43739460 in the amount of \$10,839.08 and 2) Invoice #43538297 in the amount of \$13,511.29. Additional funding is also being requested to pay for future invoices that will be received for this service until a new contract is executed. MLGW also requests contingency funds in the amount of \$13,006.90 for any unforeseen printing overage costs that may occur. The total amount requested for this ratification and extension is \$143,075.86. This ratification and extension complies with all applicable laws and policies. The new contract value is \$669,646.42; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86. as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86.

The project scope is to provide two (2) high-speed black and white production digital printing presses and service maintenance to MLGW's Communications Production and Distribution area located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7014995.

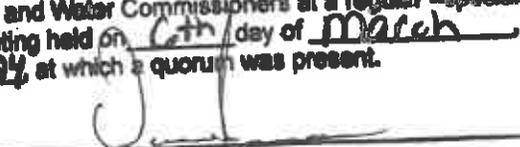
This change is to ratify and extend purchase order #7014995 under Contract No. 12334 for an additional 12 months covering the period December 18, 2023 through December 17, 2024 in the amount of \$130,068.96 which includes payment for the following two (2) outstanding invoices due to excessive printing fees for the Division and requests that were not projected: 1) Invoice #43739460 in the amount of \$10,839.08 and 2) Invoice #43538297 in the amount of \$13,511.29. Additional funding is also being requested to pay for future invoices that will be received for this service until a new contract is executed. MLGW also requests contingency funds in the amount of \$13,006.90 for any unforeseen printing overage costs that may occur. The total amount requested for this ratification and extension is \$143,075.86. This ratification and extension complies with all applicable laws and policies. The new contract value is \$669,646.42.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Ratification and Extension.

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 6th day of March, 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approval of Change No. 1 to Contract No. 12389, LED Streetlight Conversion to Ameresco, Inc., in the Funded Amount of \$10,000,000.00.

2. Additional Information

The project scope is to furnish supervision, design services, labor, transportation, equipment and material described in Exhibit A (the "Project"), which includes a description of the conversion of MLGW's streetlights within the City of Memphis, Tennessee ("the City") from existing luminaires of various wattages and styles to light emitting diode ("LED") luminaires of equivalent wattages and styles with a selected lighting management system ("LMS") to be installed and implemented by the Contractor (the "Work").

This change is to expand the scope to include the conversion of all streetlights to LED for the Town of Arlington in the amount of \$1,429,558.74 and the City of Millington in the amount of \$903,788.24, totaling \$2,333,346.98. These funds will be reimbursed to MLGW by the respective municipality. In addition, this change is to increase the current contract value in the amount of \$7,279,188.40 for the addition of streetlights converted to light emitting diodes ("LED") that were not present within MLGW's GIS data, to convert the interstate high mast lights to LED, and to make infrastructure improvements for overhead, underground, and underpass street light facilities in the City of Memphis. MLGW is also requesting contingency funds in the amount of \$387,464.62 to cover any unforeseen work that may be required throughout the project. The total amount of this change is \$10,000,000.00. The contract term will remain through December 15, 2027. This change complies with all applicable laws and policies. The new contract value is \$57,000,000.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said expansion and increase as approved; and

WHEREAS, the project scope is to furnish supervision, design services, labor, transportation, equipment and material described in Exhibit A (the "Project"), which includes a description of the conversion of MLGW's streetlights within the City of Memphis, Tennessee ("the City") from existing luminaires of various wattages and styles to light emitting diode ("LED") luminaires of equivalent wattages and styles with a selected lighting management system ("LMS") to be installed and implemented by the Contractor (the "Work"). The Work will be of good quality, free from faults and defects, all as called for in strict accordance with the Contract Documents (as defined). The Contractor is to fully understand the facilities, difficulties and restrictions attending and execution of the work required. The Work under this Contract will be performed in its entirety during the allocated time for the Work. MLGW will have the right to specify to the Contractor the sequence of the tasks performed. All Work performed by the Contractor will be subject to the inspection of the MLGW Representative (as defined). The contract award was originally executed through the President's Office; and

WHEREAS, this change is to expand the scope to include the conversion of all streetlights to LED for the Town of Arlington in the amount of \$1,429,558.74 and the City of Millington in the amount of \$903,788.24, totaling \$2,333,346.98. These funds will be reimbursed to MLGW by the respective municipality. In addition, this change is to increase the current contract value in the amount of

\$7,279,188.40 for the addition of streetlights converted to light-emitting diodes ("LED") that were not present within MLGW's GIS data, to convert the interstate high mast lights to LED, and to make infrastructure improvements for overhead, underground, and underpass street light facilities in the City of Memphis. MLGW is also requesting contingency funds in the amount of \$387,464.62 to cover any unforeseen work that may be required throughout the project. The total amount of this change is \$10,000,000.00. The contract term will remain through December 15, 2027. This change complies with all applicable laws and policies. The new contract value is \$57,000,000; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00.

The project scope is to furnish supervision, design services, labor, transportation, equipment and material described in Exhibit A (the "Project"), which includes a description of the conversion of MLGW's streetlights within the City of Memphis, Tennessee ("the City") from existing luminaires of various wattages and styles to light emitting diode ("LED") luminaires of equivalent wattages and styles with a selected lighting management system ("LMS") to be installed and implemented by the Contractor (the "Work"). The Work will be of good quality, free from faults and defects, all as called for in strict accordance with the Contract Documents (as defined). The Contractor is to fully understand the facilities, difficulties and restrictions attending and execution of the work required. The Work under this Contract will be performed in its entirety during the allocated time for the Work. MLGW will have the right to specify to the Contractor the sequence of the tasks performed. All Work performed by the Contractor will be subject to the inspection of the MLGW Representative (as defined). The contract award was originally executed through the President's Office.

This change is to expand the scope to include the conversion of all streetlights to LED for the Town of Arlington in the amount of \$1,429,558.74 and the City of Millington in the amount of \$903,788.24, totaling \$2,333,346.98. These funds will be reimbursed to MLGW by the respective municipality. In addition, this change is to increase the current contract value in the amount of \$7,279,188.40 for the addition of streetlights converted to light emitting diodes ("LED") that were not present within MLGW's GIS data, to convert the interstate high mast lights to LED, and to make

infrastructure improvements for overhead, underground, and underpass street light facilities in the City of Memphis. MLGW is also requesting contingency funds in the amount of \$387,464.62 to cover any unforeseen work that may be required throughout the project. The total amount of this change is \$10,000,000.00. The contract term will remain through December 15, 2027. This change complies with all applicable laws and policies. The new contract value is \$57,000,000.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00, as outlined in the above preamble, is approved; and further

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

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 6th day of March 2024 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12358, professional engineering services for Water Engineering, to Barge Design Solutions, Inc., in the Funded Amount of \$260,000.00.

2. Additional Information

The project scope is to provide professional engineering services including design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks on an as-needed basis. The contract award was based on the Request for Qualifications (RFQ) selection process.

This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering September 28, 2024 through September 27, 2025, with a 2% average increase in a few salary rates; however, most of the rates remain the same from the previous term. MLGW's Water Engineering and Operations department is requesting an increase in contract value to account for capital improvement projects that are planned to be designed. New categories and rates were added to account for these new projects. This renewal complies with all applicable laws and policies. The new contract value is \$500,000.00.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide professional engineering services including design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks on an as-needed basis. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to renew the current contract for the second of four (4) annual renewal terms for the period covering September 28, 2024 through September 27, 2025, with a 2% average increase in a few salary rates; however, most of the rates remain the same from the previous term. MLGW's Water Engineering and Operations department is requesting an increase in contract value to account for capital improvement projects that are planned to be designed. New categories and rates were added to account for these new projects. This renewal complies with all applicable laws and policies. The new contract value is \$500,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00.

The project scope is to provide professional engineering services including design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks on an as-needed basis. The contract award was based on the Request for Qualifications (RFQ) selection process.

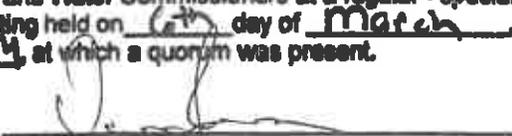
This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering September 28, 2024 through September 27, 2025, with a 2% average increase in a few salary rates; however, most of the rates remain the same from the previous term. MLGW's Water Engineering and Operations department is requesting an increase in contract value to account for capital improvement projects that are planned to be designed. New categories and rates were added to account for these new projects. This renewal complies with all applicable laws and policies. The new contract value is \$500,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00, as outlined in the above preamble, is approved; and further,

THAT, the President, or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 6th day of March 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No.12473. Wireless FirstNet Services, to AT&T Mobility, in the Funded Amount of \$2,317,939.14.

2. Additional Information

The project scope is to allow AT&T Mobility, as a sole source provider, to provide data services for Panasonic Toughbooks, electric/gas meters, laptops/tablets/iPad devices, and various miscellaneous equipment, including, but not limited to meter hotspots, poll recorders, gas leak handheld devices, etc. The term of the contract is 60 months from the date of the Notice to Proceed.

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of March 6, 2024 awarded Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to allow AT&T Mobility, as a sole source provider, to provide data services for Panasonic Toughbooks, electric/gas meters, laptops/tablets/iPad devices, and various miscellaneous equipment, including, but not limited to meter hotspots, poll recorders, gas leak handheld devices, etc.; and

WHEREAS, FirstNet is a network designed to maximize the utility and dependability of wireless communications by and between first responders and supporting entities. The network will allow MLGW field personnel to communicate with First Respondents by utilizing priority bandwidths during any disaster. MLGW's existing equipment will only work on AT&T's network. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$2,107,217.40. MLGW is also requesting the approval of contingency funds in the amount of \$210,721.74 for future growth and new services required for the equipment. The total contract award amount is not-to-exceed \$2,317,939.14. In addition, MLGW is requesting approval of this sole source award, which can only be provided by AT&T Mobility, currently the only cellular provider offering FirstNet features. This sole source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the award of Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14.

The project scope is to allow AT&T Mobility, as a sole source provider, to provide data services for Panasonic Toughbooks, electric/gas meters, laptops/tablets/iPad devices, and various miscellaneous equipment, including, but not limited to meter hotspots, poll recorders, gas leak handheld devices, etc.

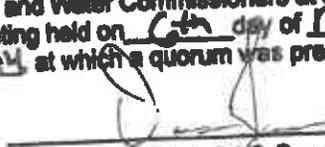
FirstNet is a network designed to maximize the utility and dependability of wireless communications by and between first responders and supporting entities. The network will allow MLGW field personnel to communicate with First Respondents by utilizing priority bandwidths during any disaster. MLGW's existing equipment will only work on AT&T's network. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$2,107,217.40. MLGW is also requesting the approval of contingency funds in the amount of \$210,721.74 for future growth and new services required for the equipment. The total contract award amount is not-to-exceed \$2,317,939.14. In addition, MLGW is requesting approval of this sole source award, which can only be provided by AT&T Mobility, currently the only cellular provider offering FirstNet features. This sole source award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of March, 2024 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc., in the funded amount of \$5,853,000.00.

2. Additional Information

The project scope is to provide all supervision, labor, technical skills, tools, and equipment to make directional bores for the installation of steel, PE, and ductile iron pipe and dry bores for the installation of steel pipes for MLGW's Water Utility System on an as-needed basis throughout Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications. The term of the contract is for a period of one year from the date of Notice to Proceed, with an option of four annual renewals.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 awarded Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide all supervision, labor, technical skills, tools, and equipment to make directional bores for the installation of steel, PE, and ductile iron pipe and dry bores for the installation of steel pipes for MLGW's Water Utility System on an as-needed basis throughout Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on September 21, 2023. MLGW solicited 10 bidders and received two (2) bids on November 7, 2023. The lowest and best bid was received from Memphis Road Boring Company, Inc. in the amount of \$5,853,000.00. The term of this contract is for a period of one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00.

The project scope is to provide all supervision, labor, technical skills, tools, and equipment to make directional bores for the installation of steel, PE, and ductile iron pipe and dry bores for the installation of steel pipes for MLGW's Water Utility System on an as-needed basis throughout Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications.

The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on September 21, 2023. MLGW solicited 10 bidders and received two (2) bids on November 7, 2023. The lowest and best bid was received from Memphis Road Boring Company, Inc. in the amount of \$5,853,000.00. The term of this contract is for a period of one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of March 2024, at which a quorum was present.



SVP, CFO & GAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers, to FirsTech, Incorporated, in the Funded Amount of \$211,520.00.

2. Additional Information

The project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). The contract award was based on the Request for Proposals (RFP) selection process.

This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering May 15, 2024 through May 14, 2025 in the amount of \$211,520.00, with no increase in rates from the previous term. The new contract value is \$818,529.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). The contract award was based on the Request for Proposals (RFP) selection process; and

WHEREAS, this change is to renew the current contract for the second of four (4) annual renewal terms for the period covering May 15, 2024 through May 14, 2025 in the amount of \$211,520.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$818,529.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00.

The project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). The contract award was based on the Request for Proposals (RFP) selection process.

This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering May 15, 2024 through May 14, 2025 in the amount of \$211,520.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$818,529.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00, as outlined in the above preamble, is approved; and further,

THAT, the President, or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a thirty-six month purchase order for ductile iron pipe to Enfinity Supply, LLC in the amount of \$901,598.19.

2. Additional Information

The various sizes of ductile iron pipe are needed to replenish inventory to ensure that MLGW has adequate material to meet demand for upcoming jobs. The ductile iron pipe will be used by Distribution Support to maintain the water system.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved a thirty-six-month purchase order for ductile iron pipe and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2024 fiscal year budget and subsequent budget years as approved; and

WHEREAS, the various sizes of ductile iron pipe are needed to replenish inventory to ensure we have adequate material to meet demand for upcoming jobs. The ductile iron pipe will be used by Distribution Support to maintain the water system; and

WHEREAS, bids were opened on January 10, 2024. Notice to Bidders was advertised. Ten bids were solicited, and four bids were received with the lowest and best complying bidder being the firm of Enfinity Supply LLC. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of ductile iron pipe from Enfinity Supply LLC for the amount of \$300,532.73 chargeable to the MLGW 2024 fiscal year budget and the remaining balance of \$601,065.46 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a thirty-six-month purchase order for ductile iron pipe to Enfinity Supply LLC. in the amount of \$901,598.19.

The various sizes of ductile iron pipe are needed to replenish inventory to ensure we have adequate material to meet demand for upcoming jobs. The ductile iron pipe will be used by Distribution Support to maintain the water system.

Bids were opened on January 10, 2024. Notice to Bidders was advertised. Ten bids were solicited, and four bids were received with the lowest and best complying bidder being the firm of Enfinity Supply LLC. This award complies with all applicable laws and policies.

The 2024 budgeted amount for Water – Planned Maintenance is \$3,000,000.00; the amount spent-to-date is \$110,786.75; leaving a balance available of \$2,889,213.25; of which \$300,532.73 will be spent on this purchase order in 2024; leaving a balance of \$2,588,680.52 available after award; the remaining balance of \$601,065.46 to be spent in subsequent budget years as approved; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award a thirty-six-month purchase order to Enfinity Supply LLC is approved for furnishing:

1,200 ft., approximately - 4" ductile iron slip joint pipe;
14,000 ft., approximately - 6" ductile iron slip joint pipe;
1,600 ft., approximately - 8" ductile iron slip joint pipe;

1,200 ft., approximately - 10" ductile iron slip joint pipe;
2,400 ft., approximately - 12" ductile iron slip joint pipe;
600 ft., approximately - 16" ductile iron slip joint pipe;
400 ft., approximately - 20" ductile iron slip joint pipe;
200 ft., approximately - 24" ductile iron slip joint pipe;
200 ft., approximately - 30" ductile iron slip joint pipe;

Totaling \$901,598.19; f.o.b. Memphis, Tennessee, our dock, transportation prepaid;
delivery upon request; terms net 15 days.

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 6th day of March
2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12411 for on-call consulting services, to Barge Design Solutions, Inc., in the Funded Amount of \$300,000.00.

2. Additional Information

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

This change is to ratify, renew, and increase the current contract for the first of four (4) annual renewal terms covering the period March 15, 2024 through March 14, 2025 for \$300,000.00, which includes a 2% negotiated average hourly rate increase; however, most of the positions' hourly rate remained the same. The increase in contract value is necessary to complete existing projects and proposed new projects for the 2024 renewal term for MLGW's Facilities Department. New projects include, but are not limited to, the design for American Disabilities Act (ADA) accommodations needed at MLGW's Sheahan Pumping Station and design work needed for renovations at MLGW's Work Services Centers, including Hickory Hill Service Center, North Service Center, Brunswick Service Center, and Choctaw Service Center. The new contract value is \$450,000.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 1 a Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification, renewal, and increase as approved; and

WHEREAS, the project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to ratify, renew, and increase the current contract for the first of four (4) annual renewal terms covering the period March 15, 2024 through March 14, 2025 for \$300,000.00, which includes a 2% negotiated average hourly rate increase; however, most of the positions' hourly rate remained the same. The increase in contract value is necessary to complete existing projects and proposed new projects for the 2024 renewal term for MLGW's Facilities Department. New projects include, but are not limited to, the design for American Disabilities Act (ADA) accommodations needed at MLGW's Sheahan Pumping Station and design work needed for renovations at MLGW's Work Services Centers, including Hickory Hill Service Center, North Service Center, Brunswick Service Center, and Choctaw Service Center. This ratification, renewal, and increase complies with all applicable laws and policies. The new contract value is \$450,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 1 a Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the approval of Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On-Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00.

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

This change is to ratify, renew, and increase the current contract for the first of four (4) annual renewal terms covering the period March 15, 2024 through March 14, 2025 for \$300,000.00, which includes a 2% negotiated average hourly rate increase; however, most of the positions' hourly rate remained the same. The increase in contract value is necessary to complete existing projects and proposed new projects for the 2024 renewal term for MLGW's Facilities Department. New projects include, but are not limited to, the design for American Disabilities Act (ADA) accommodations needed at MLGW's Sheahan Pumping Station and design work needed for renovations at MLGW's Work Services Centers, including Hickory Hill Service Center, North Service Center, Brunswick Service Center, and Choctaw Service Center. This ratification, renewal, and increase complies with all applicable laws and policies. The new contract value is \$450,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On-Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00, as outlined in the foregoing preamble, is approved and further,

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

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 6th day of March, 2021, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No.12483, Survey Administration Solutions, to Korn Ferry, in the Funded Amount not-to-exceed \$395,189.

2. Additional Information

The project scope is to allow Korn Ferry, as a single source provider, to assist with the implementation of engagement, exit, and stay interview surveys over the next five years (2024-2028). Approximately 2,500 MLGW employees will be eligible to participate in engagement surveys each year. It is assumed that approximately 300 MLGW employees will be eligible to participate in exit and stay interview surveys each year.

MLGW purchased a license through Korn Ferry and Qualtrics to administer, capture results, and create and monitor action plans through an on-line dashboard for our Engagement Survey in 2023. Korn Ferry and Qualtrics have successfully integrated MLGW's manual process through a Service as a Software agreement, which is the Internet (cloud-based application - Qualtrics) used to deliver the subscription services managed by Korn Ferry. MLGW is seeking to expand our current partnership with Korn Ferry and is requesting implementation and advisory services in the amount not-to-exceed \$223,850.00; a 14% assessed administrative charge in the amount of \$31,339.00 and fees for the Qualtrics Platform in the amount of \$140,000.00. The term of this contract is 60 months from the date of the Notice to Proceed. The total contract award amount is not-to-exceed \$395,189.00. MLGW is requesting approval of this single source award, which can only be provided by Korn Ferry.

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of March 6, 2024 awarded Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to allow Korn Ferry, as a single source provider, to assist with the implementation of engagement, exit, and stay interview surveys over the next five years (2024-2028). Approximately 2,500 MLGW employees will be eligible to participate in engagement surveys each year. It is assumed that approximately 300 MLGW employees will be eligible to participate in exit and stay interview surveys each year; and

WHEREAS, MLGW purchased a license through Korn Ferry and Qualtrics to administer, capture results, and create and monitor action plans through an on-line dashboard for our Engagement Survey in 2023. Korn Ferry and Qualtrics have successfully integrated MLGW's manual process through a Service as a Software agreement, which is the Internet (cloud based application - Qualtrics) used to deliver the subscription services managed by Korn Ferry. MLGW is seeking to expand our current partnership with Korn Ferry and is requesting implementation and advisory services in the amount not-to-exceed \$223,850.00; a 14% assessed administrative charge in the amount of \$31,339.00 and fees for the Qualtrics Platform in the amount of \$140,000.00. The term of this contract is 60 months from the date of the Notice to Proceed. The total contract award amount is not-to-exceed \$395,189.00. MLGW is requesting approval of this single source award, which can only be provided by Korn Ferry. This single source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the award of Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00.

The project scope is to allow Korn Ferry, as a single source provider, to assist with the implementation of engagement, exit, and stay interview surveys over the next five years (2024-2028). Approximately 2,500 MLGW employees will be eligible to participate in engagement surveys each year. It is assumed that approximately 300 MLGW employees will be eligible to participate in exit and stay interview surveys each year.

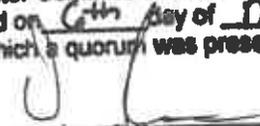
MLGW purchased a license through Korn Ferry and Qualtrics to administer, capture results, and create and monitor action plans through an on-line dashboard for our Engagement Survey in 2023. Korn Ferry and Qualtrics have successfully integrated MLGW's manual process through a Service as a Software agreement, which is the Internet (cloud based application - Qualtrics) used to deliver the subscription services managed by Korn Ferry. MLGW is seeking to expand our current partnership with Korn Ferry and is requesting implementation and advisory services in the amount not-to-exceed \$223,850.00; a 14% assessed administrative charge in the amount of \$31,339.00 and fees for the Qualtrics Platform in the amount of \$140,000.00. The term of this contract is 60 months from the date of the Notice to Proceed. The total contract award amount is not-to-exceed \$395,189.00. MLGW is requesting approval of this single source award, which can only be provided by Korn Ferry. This single source award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 6th day of March, 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution to ratify payment for construction services on MLGW water distribution facilities to the Tennessee Department of Transportation (TDOT) in the funded amount of \$589,666.00 for the Lamar Improvement Project Phase 2.

2. Additional Information

MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW water distribution utilities including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$2,339,660.00, and of that cost, TDOT will pay \$1,750,000.00 and MLGW is obligated to pay \$589,660.00.

TDOT submitted their request for payment in January, with payment due in February, and payment had to be submitted before the requisite Board and Council approvals. This request is to ratify the payment made to TDOT in the funded amount of \$589,660.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024, ratified the payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Improvement Project Phase 2, to relocate MLGW's existing water distribution facilities to accommodate this TDOT project in the funded amount of \$589,660.00, and is now recommending to the Council of the City of Memphis that it approve said ratification as approved; and

WHEREAS, MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW water distribution utilities, including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$2,339,660.00, and of that cost, TDOT will pay \$1,750,000.00, and MLGW is obligated to pay \$589,660.00, and

WHEREAS, this request is to ratify the payment made to TDOT in the funded amount of \$589,660.00.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved the ratification of the payment made to TDOT in the funded amount of \$589,660.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Vice President of Water Engineering and Operations recommends to the Board of Light, Gas and Water Commissioners that it ratify payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Improvement Project Phase 2, to relocate MLGW's existing water distribution facilities to accommodate this TDOT project in the funded amount of \$589,660.00.

MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW water distribution utilities including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$2,339,660.00, and of that cost, TDOT will pay \$1,750,000.00 and MLGW is obligated to pay \$589,660.00.

TDOT submitted their request for payment in January, with payment due in February, and payment had to be submitted before the requisite Board and Council approvals. This request is to ratify the payment made to TDOT in the funded amount of \$589,660.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the ratification of payment made to TDOT for Construction Services in the funded amount of \$589,660.00, as outlined in the foregoing preamble, is approved.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 20th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution to ratify payment for construction services on MLGW gas distribution facilities to the Tennessee Department of Transportation (TDOT) in the funded amount of \$306,730.00 for the Lamar Improvement Project Phase 2.

2. Additional Information

MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW gas distribution utilities including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$2,056,730.00, and of that cost, TDOT will pay \$1,750,000.00 and MLGW is obligated to pay \$306,730.00.

TDOT submitted their request for payment in January, with payment due in February, and payment had to be submitted before the requisite Board and Council approvals. This request is to ratify the payment made to TDOT in the funded amount of \$306,730.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024, ratified the payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Improvement Project Phase 2, to relocate MLGW's existing gas distribution facilities to accommodate this TDOT project in the funded amount of \$306,730.00, and is now recommending to the Council of the City of Memphis that it approve said ratification as approved; and

WHEREAS, MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW gas distribution utilities, including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$2,056,730.00, and of that cost, TDOT will pay \$1,750,000.00, and MLGW is obligated to pay \$306,730.00, and

WHEREAS, this request is to ratify the payment made to TDOT in the funded amount of \$306,730.00.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved the ratification of the payment made to TDOT in the funded amount of \$306,730.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Vice President of Gas Engineering and Operations recommends to the Board of Light, Gas and Water Commissioners that it ratify payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Improvement Project Phase 2, to relocate MLGW's existing gas distribution facilities to accommodate this TDOT project in the funded amount of \$306,730.00.

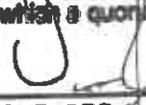
MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW gas distribution utilities including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$2,056,730.00, and of that cost, TDOT will pay \$1,750,000.00 and MLGW is obligated to pay \$306,730.00.

TDOT submitted their request for payment in January, with payment due in February, and payment had to be submitted before the requisite Board and Council approvals. This request is to ratify the payment made to TDOT in the funded amount of \$306,730.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the ratification of payment made to TDOT for Construction Services in the funded amount of \$306,730.00, as outlined in the foregoing preamble, is approved.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 20th day of March, 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution to ratify payment for construction services to electric distribution facilities to the Tennessee Department of Transportation (TDOT) in the funded amount of \$1,902,689.05 for the Lamar Improvement Project Phase 2.

2. Additional Information

MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW electric distribution utilities including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$4,291,345.00, and of that cost, TDOT will pay \$2,388,655.95 and MLGW is obligated to pay \$1,902,689.05.

TDOT submitted their request for payment in January, with payment due in February, and payment had to be submitted before the requisite Board and Council approvals. This request is to ratify the payment made to TDOT in the funded amount of \$1,902,689.05.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024, ratified the payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Improvement Project Phase 2, to relocate MLGW's existing electric distribution facilities to accommodate this TDOT project in the funded amount of \$1,902,689.05, and is now recommending to the Council of the City of Memphis that it approve said ratification as approved; and

WHEREAS, MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW electric distribution utilities, including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$4,291,345.00, and of that cost, TDOT will pay \$2,388,655.95 and MLGW is obligated to pay \$1,902,689.05; and

WHEREAS, this request is to ratify the payment made to TDOT in the funded amount of \$1,902,689.05.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved the ratification of the payment made to TDOT in the funded amount of \$1,902,689.05 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Vice President of Electric Engineering and Operations recommends to the Board of Light, Gas and Water Commissioners that it ratify payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Improvement Project Phase 2, to relocate MLGW's existing electric distribution facilities to accommodate this TDOT project in the funded amount of \$1,902,689.05.

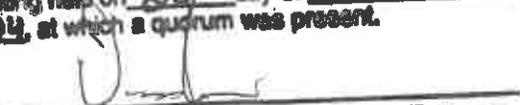
MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW electric distribution utilities including material, labor and equipment, as part of their roadway construction to accommodate this project. TDOT will pay a significant portion of the construction cost. The engineering cost estimate for construction is \$4,291,345.00, and of that cost, TDOT will pay \$2,388,655.95 and MLGW is obligated to pay \$1,902,689.05.

TDOT submitted their request for payment in January, with payment due in February, and payment had to be submitted before the requisite Board and Council approvals. This request is to ratify the payment made to TDOT in the funded amount of \$1,902,689.05.

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 ratification of payment made to TDOT for Construction Services in the funded amount of \$1,902,689.05, as outlined in the foregoing preamble, is approved.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 20th day of March 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order for backup power generators to Cummins Sales and Service in the amount of \$3,026,840.00.

2. Additional Information

The backup power generators are needed to provide emergency power for water pumping stations during power outages.

1- 2.5 MW emergency backup power generator for Allen Water Pumping Station;

1- 2.5 MW emergency backup power generator for Mallory Water Pumping Station;

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024 approved the purchase of backup power generators for Mallory and Allen Water Treatment Plants and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in subsequent budget year; and

WHEREAS, the backup power generators are needed to provide emergency power for water pumping stations during power outages; and

WHEREAS, bids were opened on January 31, 2024. Notice to Bidders was advertised. Nine bids were solicited, and three bids were received with the lowest and most responsive bidder being the firm of Cummins Sales and Service. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of backup power generators for Mallory and Allen Water Treatment Plants from Cummins Sales and Service in the amount of \$3,026,640.00 chargeable to subsequent budget year as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order for backup power generators to Cummins Sales and Service in the amount of \$3,026,640.00.

The backup power generators are needed to provide emergency power for water pumping stations during power outages.

Bids were opened on January 31, 2024. Notice to Bidders was advertised. Nine bids were solicited, and three bids were received with the lowest and most responsive bidder being the firm of Cummins Sales and Service. This award complies with all applicable laws and policies.

The 2024 budgeted amount for Pumping Stations / Water Engineering is \$21,195,000.00; the amount spent to date is \$994,495.96; leaving a balance of \$20,200,504.04; of which \$3,026,640.00 will be spent in subsequent budget year as approved; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Cummins Sales and Service is approved for furnishing:

1- 2.5 MW emergency backup power generator for Allen Water Pumping Station;

1- 2.5 MW emergency backup power generator for Mallory Water Pumping Station;

Totaling \$3,026,640.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said price being firm; delivery within 100 weeks; terms net 30 days.

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 20th day of March 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12491, North Service Center and Expansion Sites: Environmental Site Investigation to Ensafe Inc., in the funded not-to-exceed amount of \$500,000.00.

2. Additional Information

The project scope is to provide environmental engineering consulting services for MLGW regarding the North Service Center (and adjacent expansion properties) in accordance with TDEC's Brownfield Voluntary Cleanup Oversight and Assistance Program.

Ensafe Inc. will complete a work plan outlining the site history, proposed investigation locations, sampling techniques, the number of samples and the type of analyses. Soil, groundwater, and soil-gas samples are planned for collection to characterize the North Service Center and expansion properties. Based on the site characterization, a Soil Management Plan, a Vapor Intrusion Remediation Plan, and a Health and Safety Plan will be developed. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$459,000.00. MLGW is also requesting the approval of contingency funds in the amount of \$41,000.00 for any unforeseen work that may be required during the project. The total contract award amount is not-to-exceed \$500,000.00. MLGW is requesting approval of this professional services award, which will be provided by Ensafe Inc.

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of March 20, 2024 awarded Contract No. 12491, North Service Center and Expansion Sites: Environmental Site Investigation to Ensafe Inc. in the funded not-to-exceed amount of \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide environmental engineering consulting services for MLGW regarding the North Service Center (and adjacent expansion properties) in accordance with TDEC's Brownfield Voluntary Cleanup Oversight and Assistance Program; and

WHEREAS, Ensafe Inc. will complete a work plan outlining the site history, proposed investigation locations, sampling techniques, the number of samples and the type of analyses. Soil, groundwater, and soil-gas samples are planned for collection to characterize the North Service Center and expansion properties. Based on the site characterization, a Soil Management Plan, a Vapor Intrusion Remediation Plan, and a Health and Safety Plan will be developed. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$459,000.00. MLGW is also requesting the approval of contingency funds in the amount of \$41,000.00 for any unforeseen work that may be required during the project. The total contract award amount is not-to-exceed \$500,000.00. MLGW is requesting approval of this professional services award, which will be provided by EnSafe Inc. This professional services award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12491, North Service Center and Expansion Sites: Environmental Site Investigation to Ensafe Inc. in the funded not-to-exceed amount of \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the award of Contract No. 12491, North Service Center and Expansion Sites: Environmental Site Investigation to Ensafe Inc. in the funded not-to-exceed amount of \$500,000.00.

The project scope is to provide environmental engineering consulting services for MLGW regarding the North Service Center (and adjacent expansion properties) in accordance with TDEC's Brownfield Voluntary Cleanup Oversight and Assistance Program.

Ensafe Inc. will complete a work plan outlining the site history, proposed investigation locations, sampling techniques, the number of samples and the type of analyses. Soil, groundwater, and soil-gas samples are planned for collection to characterize the North Service Center and expansion properties. Based on the site characterization, a Soil Management Plan, a Vapor Intrusion Remediation Plan, and a Health and Safety Plan will be developed. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$459,000.00. MLGW is also requesting the approval of contingency funds in the amount of \$41,000.00 for any unforeseen work that may be required during the project. The total contract award amount is not-to-exceed \$500,000.00. MLGW is requesting approval of this professional services award, which will be provided by Ensafe Inc. This professional services award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12491, North Service Center and Expansion Sites: Environmental Site Investigation to EnSafe Inc. in the funded not-to-exceed amount of \$500,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 20th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 3 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00. This change is to renew the current contract for the second of four annual renewal terms for the period June 1, 2024 through May 31, 2025.

2. Additional Information

The project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. The contract award was selected based on the lowest and best bid received using the sealed bid process. The new contract value is \$22,500,000.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024 approved Change No. 3 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. The contract award was selected based on the lowest and best bid received using the sealed bid process; and

WHEREAS, this change is to renew the current contract for the second of four (4) annual renewal terms for the period covering June 1, 2024 through May 31, 2025 in the funded amount of \$10,000,000.00. The total requested amount is based on the estimated cost for the projected workload for planned projects. In addition, there is a 2.5% increase in labor rates that is consistent with the US Bureau of Labor Statistics and the Consumer Price Index (CPI). This renewal complies with all applicable laws and policies. The new contract value is \$22,500,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00.

The project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. The contract award was selected based on the lowest and best bid received using the sealed bid process.

This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering June 1, 2024 through May 31, 2025 in the funded amount of \$10,000,000.00. The total requested amount is based on the estimated cost for the projected workload for planned projects. In addition, there is a 2.5% increase in labor rates that is consistent with the US Bureau of Labor Statistics and the Consumer Price Index (CPI). This renewal complies with all applicable laws and policies. The new contract value is \$22,500,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 20th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Contract No. 3. Contract No.12187, Pole inspection with Osmose Utility Services, Incorporated, to ratify and renew the current contract, in the Funded Amount of \$3,000,000.00. This change is to ratify and renew the current contract for the third of four annual renewal terms for the period February 15, 2024 through February 14, 2024.

2. Additional Information

The project scope is to perform inspection and treatment of wood poles, including but not limited to primary poles, lift poles, and street light poles located on the Memphis Light, Gas and Water Electric Distribution System. The contract award was selected based on the lowest and best bid received using the sealed bid process. The new contract value is \$7,300,000.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024 approved Change No. 3 to Contract No. 12187, Pole Inspection with Osmose Utilities Services, Incorporated to ratify and renew the current contract in the funded amount of \$3,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to perform inspection and treatment of wood poles, including but not limited to primary poles, lift poles, and street light poles located on the Memphis Light, Gas and Water Electric Distribution System. The contract award was selected based on the lowest and best bid received using the sealed bid process; and

WHEREAS, this change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering February 15, 2024 through February 14, 2025 in the funded amount of \$3,000,000.00. The primary driver of the increase in the funded amount is due to an approximate 40% increase in the number of poles to be inspected to enhance the reliability of MLGW's electric distribution system. In addition, this change is to approve new rates for the renewal term. The Contractor is proposing a 3.5% increase for each line item and the addition of a fee of \$2.03 per pole line item for images of non-restorable poles. The rate increases are due to inflationary pressures impacting the cost of wood preservative treatments, lodging, freight costs, and fuel and labor expenses. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$7,300,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12187, Pole Inspection with Osmose Utilities Services, Incorporated to ratify and renew the current contract in the funded amount of \$3,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12187, Pole Inspection with Osrose Utilities Services, Incorporated to ratify and renew the current contract in the funded amount of \$3,000,000.00.

The project scope is to perform inspection and treatment of wood poles, including but not limited to primary poles, lift poles, and street light poles located on the Memphis Light, Gas and Water Electric Distribution System. The contract award was selected based on the lowest and best bid received using the sealed bid process.

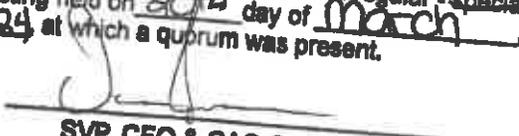
This change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering February 15, 2024 through February 14, 2025 in the funded amount of \$3,000,000.00. The primary driver of the increase in the funded amount is due to an approximate 40% increase in the number of poles to be inspected to enhance the reliability of MLGW's electric distribution system. In addition, this change is to approve new rates for the renewal term. The Contractor is proposing a 3.5% increase for each line item and the addition of a fee of \$2.03 per pole line item for images of non-restorable poles. The rate increases are due to inflationary pressures impacting the cost of wood preservative treatments, lodging, freight costs, and fuel and labor expenses. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$7,300,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 12187, Pole Inspection with Osmose Utilities Services, Incorporated to ratify and renew the current contract in the funded amount of \$3,000,000.00, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 29th day of March, 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12410 to On- Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$200,000.00. This change is to ratify and renew the current contract for the first of four annual renewal terms for the period March 13, 2024 through March 12, 2025.

2. Additional Information

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process. The new contract value is \$600,000.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024 approved Change No. 1 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$200,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to ratify and renew the current contract for the first of four (4) annual renewal terms covering the period from March 13, 2024 through March 12, 2025 in the amount of \$200,000.00, with no increase in rates from the initial term. The increase in contract value is necessary to complete design work for MLGW's Facilities Department's newly identified projects in the 2024 budget. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$600,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$200,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the approval of Change No. 1 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$200,000.00.

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

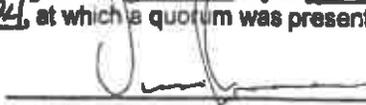
This change is to ratify and renew the current contract for the first of four (4) annual renewal terms covering the period from March 13, 2024 through March 12, 2025 in the amount of \$200,000.00, with no increase in rates from the initial term. The increase in contract value is necessary to complete design work for MLGW's Facilities Department's newly identified projects in the 2024 budget. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$600,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$200,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~ special meeting held on 20 day of March 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order for approximately 5,600 ft. of paper lead cable, 500 KCMIL to Universal Scaffold & Equipment in the amount of \$720,603.00.

2. Additional Information

The paper lead cable, 500 KCMIL is needed to replenish inventory to ensure the availability of adequate material to meet demand for upcoming projects and scheduled maintenance.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 20, 2024 approved a purchase order for paper lead cable, 500 KCMIL and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2024 fiscal year budget; and

WHEREAS, the paper lead cable, 500 KCMIL is needed to replenish inventory to ensure we have adequate material to meet demand for upcoming projects and scheduled maintenance; and

WHEREAS, bids were opened on October 11, 2023. Notice to Bidders was advertised. Twelve bids were solicited, and five bids were received with the lowest and best complying bidder being the firm of Universal Scaffold & Equipment. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of paper lead cable, 500 KCMIL from Universal Scaffold & Equipment for the amount of \$720,603.00 chargeable to the MLGW 2024 fiscal year budget as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 20, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order for paper lead cable, 500 KCMIL to Universal Scaffold & Equipment in the amount of \$720,603.00.

The paper lead cable, 500 KCMIL is needed to replenish inventory to ensure we have adequate material to meet demand for upcoming projects and scheduled maintenance.

Bids were opened on October 11, 2023. Notice to Bidders was advertised. Twelve bids were solicited, and five bids were received with the lowest and best complying bidder being the firm of Universal Scaffold & Equipment. This award complies with all applicable laws and policies.

The 2024 budgeted amount for Defect Cable / Transfer Replace is \$10,800,000.00; the amount spent-to-date is \$638,484.18; leaving a balance available of \$10,161,515.82; of which \$720,603.00 will be spent on this purchase order in 2024; leaving a balance of \$9,440,912.82 available after award; and

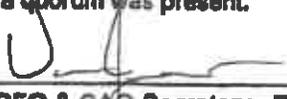
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award a purchase order to Universal Scaffold & Equipment is approved for furnishing:

5,600 ft., approximately – Cable, 3-1/C parallel 500KCM CU 25KV, paper insulated, lead covered, and polyethylene jacketed cable 25 KV, made in accordance with MLGW Specification #35-5038 dated September 1, 1999;

Totaling \$720,603.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices are subject to escalation / de-escalation based on CME Comex for cooper; delivery in 18 weeks after receipt of order; terms net 30 days.

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 20th day of March, 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12451, Two (2) Monochrome High-Speed Production Digital Printing Presses to Konica Minolta Business Solutions, U.S.A., Inc., in the funded amount of \$588,336.00.

2. Additional Information

The project scope is to provide a 48-month rental of two (2) monochrome, black/white high-speed production digital printing presses to produce MLGW print products including daily business and residential customers' utility bills and statements as outlined in the Contract Documents and Specifications.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 3, 2024, awarded Contract No. 12451, Two (2) Monochrome High-Speed Production Digital Printing Presses to Konica Minolta Business Solutions, U.S.A., Inc. in the funded amount of \$588,336.00 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide a 48-month rental of two (2) monochrome, black/white high-speed production digital printing presses to produce MLGW print products including daily business and residential customers' utility bills and statements as outlined in the Contract Documents and Specifications; and

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on November 8, 2023. MLGW solicited 11 bidders and received two (2) bids on December 12, 2023; of which, one (1) was deemed non-responsive due to the Contractor's failure to comply with MLGW's requirement of providing a 48-month rental cost. The best bid received was from Konica Minolta Business Solutions U.S.A., Inc. in the amount of \$529,176.00. MLGW is requesting the addition of print impressions excess rates in the amount of \$59,160.00 for a total award amount of \$588,336.00. The term of this contract is 48 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12451, Two (2) Monochrome High-Speed Production Digital Printing Presses to Konica Minolta Business Solutions, U.S.A., Inc. in the funded amount of \$588,336.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners that it award Contract No. 12451, Two (2) Monochrome High-Speed Production Digital Printing Presses to Konica Minolta Business Solutions, U.S.A., Inc. in the funded amount of \$588,336.00.

The project scope is to provide a 48-month rental of two (2) monochrome, black/white high-speed production digital printing presses to produce MLGW print products including daily business and residential customers' utility bills and statements as outlined in the Contract Documents and Specifications.

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on November 8, 2023. MLGW solicited 11 bidders and received two (2) bids on December 12, 2023; of which, one (1) was deemed non-responsive due to the Contractor's failure to comply with MLGW's requirement of providing a 48-month rental cost. The best bid received was from Konica Minolta Business Solutions U.S.A., Inc. in the amount of \$529,176.00. MLGW is requesting the addition of print impressions excess rates in the amount of \$59,160.00 for a total award amount of \$588,336.00. The term of this contract is 48 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12451, Two (2) Monochrome High-Speed Production Digital Printing Presses to Konica Minolta Business Solutions, U.S.A., Inc. in the funded amount of \$588,336.00, as outlined in the above preamble, is approved and further

That, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of April 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12444, Palmer Filter Valve and Actuator Replacement to Chris Hill Construction Company, LLC in the funded amount of \$782,090.00.

2. Additional Information

The project scope is to furnish all work including mobilization, supervision, personal protective training and equipment, confined space requirements, transportation, testing, materials, labor, tools, and equipment for the installation of new valves, and actuators, along with the removal of the existing valve solenoid panels and associated hydraulic piping according to the latest versions of AWWA C504, Class 150B and conform to NSF Standard 61. The work will be performed at MLGW's Palmer Pumping Station located at 1241 East Holmes Road, Memphis, TN 38116. All work, materials, and equipment shall be in accordance as outlined in the Contract Documents, Drawings, and Specifications. All electrical work will be performed by MLGW.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 3, 2024 awarded Contract No. 12444, Palmer Filter Valve and Actuator Replacement to Chris Hill Construction Company, LLC in the funded amount of \$782,090.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish all work including mobilization, supervision, personal protective training and equipment, confined space requirements, transportation, testing, materials, labor, tools, and equipment for the installation of new valves, and actuators, along with the removal of the existing valve solenoid panels and associated hydraulic piping according to the latest versions of AWWA C504, Class 150B and conform to NSF Standard 61. The work will be performed at MLGW's Palmer Pumping Station located at 1241 East Holmes Road, Memphis, TN 38116. All work, materials, and equipment shall be in accordance as outlined in the Contract Documents, Drawings, and Specifications. All electrical work will be performed by MLGW; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on October 27, 2023. MLGW solicited 12 bids; of which, three (3) firms attended the Mandatory Site Visit on November 6, 2023 and five (5) firms attended on November 7, 2023, respectively. MLGW received four (4) bids on December 6, 2023; of which, one (1) was deemed non-responsive due to not possessing the State of Tennessee Contractor's license required for this project. The lowest and best bid received was from Chris Hill Construction Company, LLC in the amount of \$712,090.00. MLGW is also requesting the approval of contingency funds in the amount of \$70,000.00 for any unforeseen circumstances that may occur during construction. The total amount of this award is \$782,090.00. The term of this contract is 24 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12444, Palmer Filter Valve and Actuator Replacement to Chris Hill Construction Company, LLC in the funded amount of \$782,090.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12444, Palmer Filter Valve and Actuator Replacement to Chris Hill Construction Company, LLC in the funded amount of \$782,090.00.

The project scope is to furnish all work including mobilization, supervision, personal protective training and equipment, confined space requirements, transportation, testing, materials, labor, tools, and equipment for the installation of new valves, and actuators, along with the removal of the existing valve solenoid panels and associated hydraulic piping according to the latest versions of AWWA C504, Class 150B and conform to NSF Standard 61. The work will be performed at MLGW's Palmer Pumping Station located at 1241 East Holmes Road, Memphis, TN 38116. All work, materials, and equipment shall be in accordance as outlined in the Contract Documents, Drawings, and Specifications. All electrical work will be performed by MLGW.

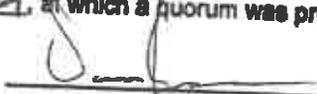
The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on October 27, 2023. MLGW solicited 12 bids; of which, three (3) firms attended the Mandatory Site Visit on November 6, 2023 and five (5) firms attended on November 7, 2023, respectively. MLGW received four (4) bids on December 6, 2023; of which, one (1) was deemed non-responsive due to not possessing the State of Tennessee Contractor's license required for this project. The lowest and best bid received was from Chris Hill Construction Company, LLC in the amount of \$712,090.00. MLGW is also requesting the approval of contingency funds in the amount of \$70,000.00 for any unforeseen circumstances that may occur during construction. The total amount of this award is \$782,090.00. The term of this contract is 24 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12444, Palmer Filter Valve and Actuator Replacement to Chris Hill Construction Company, LLC in the funded amount of \$782,090.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of April 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving payment of annual sewer discharge fee for the 2023 filter backwash discharge to City of Memphis Public Works Department in the amount of \$598,643.50.

2. Additional Information

This fee is calculated based on the annual submitted volume and the total suspended solids (TSS) concentration reported for each of the water pumping stations. A TSS surcharge is applied for TSS concentrations over 300 ppm monthly.

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at its meeting held April 3, 2024, approved payment of invoice from the City of Memphis's Public Works Department for the annual sewer discharge fee for MLGW's 2023 filter backwash discharge for eight water pumping stations in the amount of \$598,43.50.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that payment of invoice from the City of Memphis's Public Works Department in the amount of \$598,643.50, payable to the City of Memphis Sewer Fund as set forth in the foregoing preamble is approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

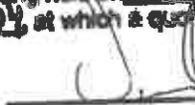
The Vice President of Water and Gas Engineering and Operations presented for consideration of the Board, payment of an invoice from the City of Memphis Public Works Department for the annual sewer discharge fee for the 2023 filter backwash discharge for eight water pumping stations in the amount of \$598,643.50.

This fee is calculated based on the annual submitted volume and the total suspended solids (TSS) concentration reported for each of the water pumping stations. A TSS surcharge is applied for TSS concentrations over 300 ppm monthly. The breakdown of the fee is attached.

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 Secretary-Treasurer is hereby authorized and directed to have a check issued in the amount of \$598,643.50, payable to City of Memphis Sewer Fund.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of April 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 3 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,466,397.70.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system. The contract award was based on the lowest and best bid using the sealed bid process.

This change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering April 1, 2024 through March 31, 2025 in the funded amount of \$1,466,397.70, which reflects a negotiated 8.4% increase in rates from the previous renewal term. The cost increase results from the increased labor wage competition and shared fuel cost within the current market. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$4,928,431.70.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of April 3, 2024 approved Change No. 3 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,466,397.70, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system. The contract award was based on the lowest and best bid using the sealed bid process.

WHEREAS, this change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering April 1, 2024 through March 31, 2025 in the funded amount of \$1,466,397.70, which reflects a negotiated 8.4% increase in rates from the previous renewal term. The cost increase results from the increased labor wage competition and shared fuel cost within the current market. This ratification renewal complies with all applicable laws and policies. The new contract value is \$4,928,431.70; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,466,397.70 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,466,397.70.

The project scope is to furnish supervision, labor, transportation, and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system. The contract award was based on the lowest and best bid using the sealed bid process.

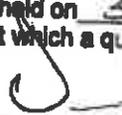
This change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering April 1, 2024 through March 31, 2025 in the funded amount of \$1,466,397.70, which reflects a negotiated 8.4% increase in rates from the previous renewal term. The cost increase results from the increased labor wage competition and shared fuel cost within the current market. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$4,928,431.70.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,466,397.70, as outlined in the above preamble, is approved; and further,

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of April 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding purchase order to Engineered Sealing Components LLC, for 2,000 arm apitong dead-ends 96" in the amount of \$1,429,420.00.

2. Additional Information

The apitong arm is a brace-less crossarm used to support the wire deadend or where the wire stops. The arm is strong enough to support the wire with no braces without a counterbalance on the back side and below the crossarm. The arm apitong deadends are needed to maintain the overhead electrical system. The deadends will be used for planned jobs, unforeseen emergencies, to assemble storm kits, and replenish inventory.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 3, 2024 approved a purchase order for arm apitong deadends 96" and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2024 fiscal year budget; and

WHEREAS, the apitong arm is a brace-less crossarm used to support the wire deadend or where the wire stops. The arm is strong enough to support the wire with no braces without a counterbalance on the back side and below the crossarm. The arm apitong deadends are needed to maintain the overhead electrical system. The deadends will be used for planned jobs, unforeseen emergencies, to assemble storm kits, and replenish inventory; and

WHEREAS, bids were opened on February 28, 2024. Notice to Bidders was advertised. Thirteen bids were solicited, and six bids were received with the lowest and best complying bidder being the firm of Engineered Sealing Components LLC. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of arm apitong deadends 96” from Engineered Sealing Components LLC in the amount of \$1,429,420.00 chargeable to the MLGW 2024 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order to Engineered Sealing Components LLC for arm apitong dead-end 96" in the amount of \$1,429,420.00.

The apitong arm is a brace-less crossarm used to support the wire deadend or where the wire stops. The arm is strong enough to support the wire with no braces without a counterbalance on the back side and below the crossarm. The arm apitong deadends are needed to maintain the overhead electrical system. The deadends will be used for planned jobs, unforeseen emergencies, to assemble storm kits, and replenish inventory.

Bids were opened on February 28, 2024. Notice to Bidders was advertised. Thirteen bids were solicited, and six bids were received with the lowest and best complying bidder being the firm of Engineered Sealing Components LLC. This award complies with all applicable laws and policies.

The 2024 budgeted amount for New Circuits is \$15,300,000.00; the amount spent-to-date is \$158,147.30; leaving a balance of \$15,141,852.70; of which \$1,429,420.00 will be spent on this purchase order in 2024; leaving a balance of \$13,712,432.70 after award; and

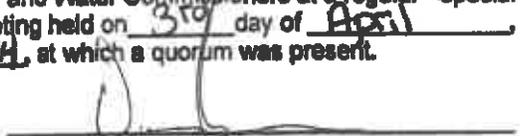
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Engineered Sealing Components LLC is approved for furnishing:

2,000 – Arm Apitong deadend 96" for aerial tap spread; assembly, 2-11/16" x 5-1/2", apitong wooden deadend arm. Arm is to be treated with Penta, supplied and assembled with hardware kit, wood arm fixed to a pole gain. Length of arm is to be 96" with 84" between the outside;

Totaling \$1,429,420.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery in three weeks; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 3rd day of April, 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving ratification of Purchase Order Number 7053566 to Lonnie Cobb Ford for half-ton pickup trucks in the amount of \$779,004.00.

2. Additional Information

This purchase is for eighteen, half-ton pickup trucks that will be used by crews to maintain the electric, gas and water systems. The trucks will replace existing half-ton pickup trucks that will be retired from service. MLGW issued a purchase order to guarantee delivery and approval is needed to ratify the purchase order. This ratification complies with all applicable laws and policies.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 3, 2024 approved ratification of purchase order number 7053566 for half-ton pickup trucks and is now recommending to the Council of the City of Memphis that it approves said ratification; and

WHEREAS, this purchase is for eighteen, half-ton pickup trucks that will be used by crews to maintain the electric, gas and water systems. The trucks will replace existing half-ton pickup trucks that will be retired from service. We issued a purchase order to guarantee delivery and approval is needed to ratify the purchase order. This ratification complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved ratification of purchase order number 7053566 to Lonnie Cobb Ford in the amount of \$779,004.00 chargeable to MLGW 2024 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approve the ratification of Purchase Order Number 7053566 to Lonnie Cobb Ford for half-ton pickup trucks in the amount of \$779,004.00.

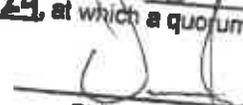
This purchase is for eighteen, half-ton pickup trucks that will be used by crews to maintain the electric, gas and water systems. The trucks will replace existing half-ton pickup trucks that will be retired from service. We issued a purchase order to guarantee delivery and approval is needed to ratify the purchase order. This ratification complies with all applicable laws and policies.

The 2024 budgeted amount for Transportation and Fleet Services is \$11,900,000.00; the amount spent to date is \$2,356,315.85; leaving a balance available of \$9,543,684.15; of which \$779,004.00 will be spent on this purchase order; leaving a balance of \$8,764,680.15 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis approve the ratification of purchase order number 7053566 with Lonnie Cobb Ford for eighteen, half-ton pickup trucks is approved as outlined in the foregoing preamble.

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 30 day of April 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 4 to Contract No. 12193, Grounds Maintenance and Landscaping Service with Rotolo Consultants, Incorporated to ratify and renew the current contract in the funded amount of \$20,848.14 for the period May 3, 2024 through May 2, 2025.

2. Additional Information

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

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of April 3, 2024 approved Change No. 4 to Contract No. 12193, Grounds Maintenance and Landscaping Service with Rotolo Consultants, Incorporated to ratify and renew the current contract in the funded amount of \$20,848.14, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

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

WHEREAS, this change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering May 3, 2024 through May 2, 2025 in the funded amount of \$81,224.35 with no increase in rates from the previous term. MLGW is also requesting contingency funds in the amount of \$15,000.00 for any unforeseen costs which may occur throughout the renewal term for a total of \$96,224.35. The amount of \$75,376.21 will be absorbed in the current contract value; therefore, the total funded amount of this renewal is \$20,848.14. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$532,961.09; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 12193, Grounds Maintenance and Landscaping Service with Rotolo Consultants, Incorporated to ratify and renew the current contract in the funded amount of \$20,848.14 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 3, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 12193, Grounds Maintenance and Landscaping Service with Rotolo Consultants, Incorporated to ratify and renew the current contract in the funded amount of \$20,848.14.

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

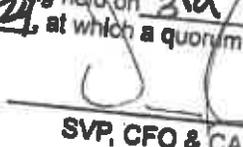
This change is to ratify and renew the current contract for the third of four (4) annual renewal terms for the period covering May 3, 2024 through May 2, 2025 in the funded amount of \$81,224.35 with no increase in rates from the previous term. MLGW is also requesting contingency funds in the amount of \$15,000.00 for any unforeseen costs which may occur throughout the renewal term for a total of \$96,224.35. The amount of \$75,376.21 will be absorbed in the current contract value; therefore, the total funded amount of this renewal is \$20,848.14. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$532,961.09.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 12193, Grounds Maintenance and Landscaping Service with Rotolo Consultants, Incorporated to ratify and renew the current contract in the funded amount of \$20,848.14, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~ ^{special} meeting held on 3rd day of April 2024, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO DECREASE THE PRESENT LIMITS OF CONTRACTS AND SALARIES OR COMPENSATION FOR EMPLOYEES OR OTHERS REQUIRING CITY COUNCIL APPROVAL.

WHEREAS, Section 681 of the City's Charter, adopted by Private Act of the Tennessee Legislature in 1939 (the "Memphis City Charter"), reserved to the City Council authority to approve, in advance of execution, contracts entailing an obligation or expenditure in excess of Five Thousand Dollars to be executed by the Board of Light, Gas & Water Commissioners of the City of Memphis ("MLGW Board"); and

WHEREAS, Section 675 of the Memphis City Charter, as amended by Ordinance 3509, adopted on November 5, 1985, also reserved to the City Council authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of Ninety Thousand Dollars (\$90,000.00) in advance of employment.

WHEREAS, by adoption of Ordinance 5819 on March 22, 2022, the Council amended their authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of \$180,000.00 in advance of employment and to approve all contracts (other than emergency purchases and spot market purchases of natural gas) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW in excess of Five Hundred Thousand Dollars (\$500,000.00) prior to execution; and

WHEREAS, under the provisions of Ordinance No. 3054, dated September 2, 1980, to the City's Charter (the "Home Rule Amendment"), the City Council is authorized to increase by ordinance the amount of contracts and salaries or compensation for employees or others requiring City Council approval; and

WHEREAS, from time to time, the City Council has amended its Code of Ordinances to adjust the limits of authority granted to the MLGW Board for the execution of contracts and the setting of salaries for employees hired as it deemed appropriate; and

WHEREAS, in recognition of the requests for increased transparency requests from citizens regarding MLGW contracts and salaries, the City Council desires to amend the limits requiring approval by the Council prior to execution.

NOW THEREFORE BE IT ORDAINED THAT,

SECTION 1. Section 1 of Ordinance No. 5819 is amended and restated as follows:

Notwithstanding Ordinance No. 5819 to the contrary, all contracts (other than emergency purchases, purchases of natural gas and other derivative products, and settlements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee, which shall not require City Council approval in advance of execution) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW, in excess of \$100,000.00 shall require City Council approval in advance of execution. Furthermore, all interlocal agreements or contracts between MLGW and any municipality or division of government (other than the City of Memphis and its divisions) that involve the collection of any municipal, county or other government fee, tax or other charge not directly related to utility service (such as electricity, gas, or water utility service) shall require Council approval in advance of execution. In emergencies MLGW may enter into emergency purchases as defined herein, which emergency purchases shall be later ratified by the Council. MLGW may also purchase natural gas and other derivative instruments daily as long as the aggregate annual amount of these purchases are approved by the Council in the annual budget of MLGW.

For the purposes of this Ordinance the term "emergency purchases" shall include, but shall not necessarily be limited to, any purchase orders and contracts in excess of \$100,000.00 needed to: (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state agency; (ii) ensure continuous and reliable utility service to MLGW customers, or (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

SECTION 2. Section 2 of Ordinance No. 5819 is amended and restated as follows:

Notwithstanding Ordinance No. 5819 to the contrary, any salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of One Hundred Eighty Thousand (\$90,000.00) shall require approval in advance of employment.

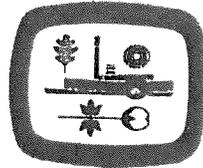
SECTION 3. Except to the extent inconsistent with the provisions hereof, the provisions of Ordinances Nos. 3509 5046, 5256, 5291, 5383, 5574, and 5819 are hereby ratified and shall remain in full force and effect.

SECTION 4. 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 5. This Ordinance shall take effect from and after the date it shall have been passed by the City 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 and shall continue in full force and effect until repealed or amended.

Sponsors:
JB Smiley, Jr.
Jerri Green
Rhonda Logan
Jana Swearingen-Washington
Pearl Walker

JB Smiley, Jr.,
Chairman



Memphis City Council Summary Sheet

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

An Ordinance to amend City of Memphis, Code of Ordinances, Chapter 33, Article II, Division IV, to codify the existing 2017 Sewer Policy.

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

Public Works

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

This is an amendment to an existing ordinance, Chapter 33.

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

This amendment will impact all council districts

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

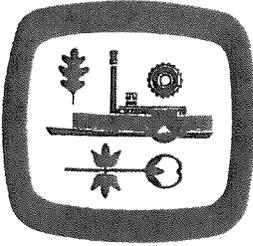
Not Applicable

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

This does not require a budget amendment.

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

Not Applicable



ORDINANCE No. _____

AN ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 33, ARTICLE II, DIVISION IV, TO CODIFY THE EXISTING 2017 SEWER POLICY THAT PRECLUDES THE EXTENSION OF SANITARY SEWER INFRASTRUCTURE AND ACCEPTANCE OF ADDITIONAL FLOW TO THE MEMPHIS SEWER SYSTEM FROM RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS IN UNINCORPORATED SHELBY COUNTY.

WHEREAS, the City of Memphis currently owns, operates and maintains a wastewater collection and transmission system ("WCTS") made up of approximately 2,800 miles of sanitary sewers within the corporate limits of Memphis and an additional 400 miles located in unincorporated Shelby County in the areas designated as the "Memphis Reserve" annexation areas; and

WHEREAS, the City also owns and operates two wastewater treatment plants, T.E. Maxson Wastewater Treatment Facility and M.C. Stiles Wastewater Treatment Facility, both of which are used to treat the wastewater transported by the City's WCTS from residences, businesses and industries in an effort to protect public health and the environment; and

WHEREAS, in accordance with Tenn. Code Ann. § 7-51-401, the City may authorize the extension of its sewer services beyond its municipal boundaries, but it is not required to extend its sewer services in such manner; and

WHEREAS, consistent with state law, Chapter 33, Section 33-64 of the City's Sewer Use Ordinance, currently authorizes the City of Memphis, through its Division of Public Works, to extend its sanitary sewer system, subject to its comprehensive growth plan and applicable sewer policies; and

WHEREAS, in an effort to better manage, monitor and provide sewer services throughout its current and future growth boundaries, the City of Memphis, as of August 18, 2017, adopted a sewer policy precluding the extension of sanitary sewer infrastructure and acceptance of additional flow to its sewer system from residential, commercial and industrial developments in unincorporated Shelby County; and

WHEREAS, the 2017 sewer policy does not apply to developments located in unincorporated Shelby County to which sewer must be extended or connected pursuant to an existing legal obligation between the City and developer or land owner; and

WHEREAS, the City desires to formally incorporate the terms of the 2017 sewer policy into its Sewer Use Ordinance.

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 33, Section 33-64 (a) of the City of Memphis, Code of Ordinances is hereby amended to read as follows with corresponding changes to be made to Section 13-16-4(a) included in Municode:

- (a) The City may permit the orderly extension of its sanitary sewer system to provide gravity sewer service of adequate capacity to unsewered properties and to properties not served by sewers of adequate capacity following the comprehensive plan and policies of the City for gravity sewer system expansion, except as otherwise stated below:
 - (1) The extension of sanitary sewer services and new connections to the City's sanitary sewer system from residential, commercial and industrial developments located in unincorporated Shelby County shall not be permitted except as legally required based on an existing contractual obligation of the City or equitable considerations determined in the City's sole discretion. The burden of proof shall be upon the developer or owner of the property to support the City's approval of such extension or new connection.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance Amendment shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

APPROVED: _____
Martavius Jones, Chairman of Council

Date Signed: _____

ATTEST: _____

APPROVED: _____
Jim Strickland, City of Memphis Mayor

Date Signed: _____

ORDINANCE NO. _____

SUBSTITUTE ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6 -BUSINESS LICENSES AND REGULATIONS -TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME

WHEREAS, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

WHEREAS, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

WHEREAS, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to the operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

WHEREAS, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of Entertainment Transportation Vehicles in the City of Memphis.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS that Chapter 39 – Vehicles for Hire – of the City of Memphis Code of Ordinances, also referenced in Chapter 6-44, is hereby amended to create a new Article V, which shall read as follows:

Section 1. **Sec. 39-256. Definitions.**

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an Entertainment Transportation Vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an Entertainment Transportation Vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an Entertainment Transportation Vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an Entertainment Transportation Vehicle.

"Entertainment Transportation Vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn

carriage, or electric-assist pedal carriage.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an Entertainment Transportation Vehicle in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Good cause" means (1) a material violation of a state law or municipal ordinance, rule, or regulation governing the permit, which may be demonstrated by a knowing failure or refusal to comply with such law, ordinance, rule, or regulation; and (2) includes the disuse or dormancy of a permit for a period of six (6) months or longer prior to the Memphis Transportation Commission taking action to revoke the permit.

"Inspector(s)" means the inspector(s) for the Commission.

"Memphis Transportation Commission," hereinafter referred to as "MTC" or "the Commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39, Article V, the same being identified as Chapter 6-46 of the Code of Ordinances of the City of Memphis.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the Entertainment Transportation Vehicle.

"Passenger" means any person on an Entertainment Transportation Vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Vehicle permit" means a permit issued by the MTC for an Entertainment Transportation Vehicle to carry passengers.

Section 2. Certificate of Public Convenience and Necessity

Sec. 39-257. Required Certificate and Effective Term.

A. No Entertainment Transportation Vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one Entertainment Transportation Vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

C. The MTC shall track all certificates, and after the renewal period, if the certificate

has not been renewed it shall be determined to be void.

Sec. 39-258. Application - Information and fees required.

- A. An application shall be filed with the MTC for each certificate of public convenience and necessity sought. Forms will be provided by the MTC and payment of a nonrefundable fee of \$200 will be charged.
- B. The application shall require the following information:
 1. Name and address of applicant;
 - a. Sole-proprietor: Name and address of the owner.
 - b. Partnership: Names and addresses of all partners.
 - c. Corporation or association: Names and addresses of all the officers, directors, and members.
 2. Business name (d/b/a), business address, and telephone number if different from above;
 3. A background check of each person;
 4. Proof of U.S. citizenship or legal residency;
 5. Names and addresses of two references as to the applicant's financial responsibility;
 6. Prior experience of applicant in transport of passengers;
 7. Number of Entertainment Transportation Vehicle permits requested, and copy of proof of ownership or other evidence of lawful control, as determined by the MTC, for each vehicle to be operated under the certificate;
 8. Applicant's Procedures for training drivers;
 9. Applicant's Rules and regulations governing driver appearance and conduct;
 10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws; any disclosures shall be verified by the MTC;
 11. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or if a corporation, against any officer, director or shareholder as

listed above or, if a partnership, any partner or limited partner, or any other person who is interested directly in the ownership or operation of the business.

12. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and

13. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one (21) years of age and/or the Entertainment Transportation Vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;

2. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application;

3. Any of the owners, partners, officers, directors, or members have any outstanding unpaid final judgment; or

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

Sec. 39-259. Findings - Issuance of additional certificates.

A. If the MTC finds that further or additional Entertainment Transportation Vehicle service

within the Memphis City Limits is warranted for the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity. The certificate shall state the name, business address and telephone number of the applicant, the number of vehicles authorized upon such certificate, the date of issuance and the date of expiration.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of Entertainment Transportation Vehicles already in operation, whether existing service is adequate to meet the public need; the experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

C. No more than (25) Entertainment Transportation Vehicles may be permitted to operate upon the streets of Memphis, and the MTC shall accept no applications for additional vehicles once this maximum has been permitted. Applications shall be evaluated in the order in which they are received; and upon issuance of a 25th permit, any other pending applications shall be set aside. Should the number of permitted vehicles drop below the maximum allowed, those applications will be considered in the order in which they were filed with the MTC, beginning with those pending applications that were previously set aside.

D. The MTC may, by rule, establish any further criteria for determining the necessity for additional Entertainment Transportation Vehicle certificates.

E. Any person whose application for a certificate is denied by the MTC may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and appear in-person for consideration of the certificate application.

Section 39-260. Renewal of the Certificate of Public Convenience and Necessity.

A. All certificates issued under the provisions of this chapter shall expire one (1) year from the date on which the certificate was issued. All certificates may be renewed by the MTC director up to 30 days before their expiration date. A renewal fee of \$125 for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed Entertainment Transportation Vehicle company or individual fails to renew their certificate within thirty (30) days from the expiration date, such company shall be treated as a new applicant upon renewal application.

Section 39-261. Insurance required.

A. Before any certificate shall be issued by the Commission Director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the State of Tennessee and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any Entertainment Transportation Vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any Entertainment Transportation Vehicle, with the minimum amount of insurance to be determined by the City Risk Management Department, known as combined single limit insurance coverage. Such policy shall

expressly provide that it may not be canceled, except after thirty (30) days' written notice to the Commission Director.

C. Such certificate will certify that the policy provides for a minimum coverage per the requirements of the Risk Management Department of the City of Memphis, which may be amended from time to time to remain current with the current risk factors, per Entertainment Transportation Vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such Entertainment Transportation Vehicle. The certificate of insurance shall also list the serial number or identification number of each Entertainment Transportation Vehicle that is insured.

D. The operation of any Entertainment Transportation Vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this Article, subjecting the owner and/or certificate holder to all applicable penalties provided in this Article and this Chapter.

E. Any changes in insurance must be reported to the Commission immediately.

Section 39-262. Suspension and revocation.

A. A certificate issued under the provisions of this chapter may be revoked by the MTC only after the holder has been provided with proper notice and the opportunity to be heard at an administrative hearing and for good cause shown. A certificate issued may be suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;

2. Violated any other provision of the Code of Ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;
3. Failed to pay assessments or taxes due to the City of Memphis;
4. Attempted to transfer a certificate or permit; or
5. Made a misrepresentation or false statement when obtaining a certificate or additional permits or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or State of Tennessee, and the MTC director determines that the holder poses a threat to public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty (60) days from the date of the emergency suspension.

Section 3. Driver Permits

Section 39-263. Driver Permit required- Violations and term.

A. No person shall drive or otherwise operate an Entertainment Transportation Vehicle engaged in the transportation of passengers unless he or she has a driver permit from the MTC and a currently effective Tennessee commercial driver's license.

B. A person commits an offense if he or she operates an Entertainment Transportation

Vehicle in the Memphis City Limits without a driver permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an Entertainment Transportation Vehicle owned, controlled, or operated by the permittee without a driver permit issued by the MTC.

D. Each driver permit shall be valid for one (1) year and shall be subject to renewal pursuant to the provisions set forth in this Article.

Section 39-264. Application-Information and fees required.

A. An application for an Entertainment Transportation Vehicle driver permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty-one (21) years of age will be accepted.
2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. The years of experience of the applicant in the transportation industry.
4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his or her application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an Entertainment Transportation Vehicle driver permit corresponding with the type/classification of Entertainment Transportation Vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.
3. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty (30) days prior to the date of application. All applicants are required to meet the following standards:

1. No convictions or nolo contendere pleas in the last five (5) years for any of the following offenses involving bodily injury or death and no convictions in the last three (3) years for any of the following offenses not involving injury or death:

- Hit and run;
- Driving under the influence of an alcoholic beverage or drug;
- Reckless or careless driving;
- Any other offense, including moving traffic violations, that directly relates to a person's ability to operate a vehicle.

2. For an initial driver permit, no more than three moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

3. For a renewal driver permit, no more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

Section 39-265. Fingerprint-based criminal background investigation.

A. All applicants for an Entertainment Transportation Vehicle driver permit must undergo a fingerprint-based identification and background check. The MTC shall provide instructions to applicants on obtaining such background checks. A background check report and a copy of the

Motor Vehicle Record (MVR), generated by the Department of Motor Vehicles, of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this Chapter, be disqualified if the applicant:

1. Has been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined by laws of the State of Tennessee, a controlled substance, prostitution, assignation, or obscenity within five (5) years immediately preceding the date of application; or has been convicted of, forfeited bond or pleaded nolo contendere to any crime involving the abuse of a child or of a sexual nature in any jurisdiction at any time preceding the date of application.
2. If, at the time of application, the applicant is charged with any offenses in subsection

(1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of two (2) or more felony offenses within the past seven (7) years.

4. Has been convicted for a period of two (2) years prior to the date of application for violation of two or more sections of this Code or other ordinances governing the operation of Entertainment Transportation Vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a driver permit, the application may be referred to the MTC for consideration.

Section 39-266. Application - Approval or disapproval.

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the MTC staff may file an appeal within thirty (30) days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

Section 39-267. Issuance – Driver Permit contents and display.

A. Upon approval of an application for an Entertainment Transportation Vehicle driver permit, the MTC director shall issue a permit to the applicant, which shall bear the applicant's name, driver permit number, height, date of birth, a photograph of the applicant, and other information deemed appropriate by the MTC.

B. Every driver shall at all times conspicuously display a driver permit within the Entertainment Transportation Vehicle, where it is visible to passengers. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

Section 39-268. New application after denial.

Upon denial of an application for a driver permit, no new application shall be considered for a period of three (3) months.

Section 39-269. Expiration - Issuance and renewal fee.

A. A driver permit may be issued to qualified applicants upon the payment of a \$35 fee plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval.

B. Each Entertainment Transportation Vehicle driver permit shall be issued for a period of one year. The fee to renew a driver permit shall be \$17.50. Such fees shall be in addition to the cost of any investigation.

Section 39-270. Unpermitted drivers.

A. If any person is found operating an Entertainment Transportation Vehicle within the Memphis City Limits without a valid Entertainment Transportation Vehicle driver permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may

immediately take action to suspend or revoke the certificate in accordance with § 39-262(B).

B. A person whose Entertainment Transportation Vehicle driver permit is suspended shall not drive an Entertainment Transportation Vehicle within the Memphis City Limits during the period of suspension.

Section 39-271. Suspension, revocation, and appeal.

A. The MTC director is hereby given authority to suspend any Entertainment Transportation Vehicle driver permit issued under this Article for a driver's failure or refusal to comply with the provisions of this Article. Such suspensions may not last for a period of more than thirty (30) days. The MTC director is also given authority to revoke any driver permit, provided that the revocation is decided in accordance with §39-262(B), for failure to comply with the provisions of this Article.

B. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this Article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

C. The MTC director may revoke an Entertainment Transportation Vehicle driver permit for good cause in accordance with §39-262(B), if the director determines that the permittee has engaged in conduct detrimental to the public safety.

D. The MTC director may not suspend or revoke any driver permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf at an administrative hearing before the MTC Director, where good cause has been established.

E. Any permittee whose driver permit has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten (10) business days. If an appeal is not made to the MTC within ten (10) business days of the MTC director's decision, the MTC director's decision shall

be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the permittee of the date and time of the hearing which shall be not less than five (5) business days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall notify the MTC director and the permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

F. A driver whose permit is revoked may not reapply for ninety (90) days from the date of revocation and will be treated as a new applicant.

Section 39-272. Revocation of a valid driver's license.

An Entertainment Transportation Vehicle driver permit issued under this Chapter shall be valid for one (1) year so long as the permittee's valid driver's license, issued by one of the fifty states in the United States of America for the type/classification of Entertainment Transportation Vehicle to be operated, remains valid for the duration of the permit. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their Entertainment Transportation Vehicle driver permit shall likewise be immediately suspended, revoked pursuant to § 39-262(B), or cancelled. The Entertainment Transportation Vehicle driver permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

Section 39-273. Conduct of drivers.

A. A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;

2. Take the necessary measures to prevent and prohibit a person not possessing an Entertainment Transportation Vehicle driver permit from operating the Entertainment Transportation Vehicle;
3. Refrain from allowing more passengers to be carried in an Entertainment Transportation Vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the Entertainment Transportation Vehicle not specifically designed or designated as a seat;
4. Prohibit any passenger eighteen (18) years of age or younger from riding in an Entertainment Transportation Vehicle unaccompanied by an adult;
5. Not operate an Entertainment Transportation Vehicle while under the influence of intoxicating beverages or drugs;
- 6.
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the Entertainment Transportation Vehicle other than the designated seating area while the Entertainment Transportation Vehicle is in motion and require that passengers must be seated except when loading or unloading.

Section 39-274. Drivers not to work more than 12 hours out of 24.

No driver shall work more than a maximum of twelve (12) driving hours in the aggregate of any twenty-four-hour period, and such driver shall not begin to drive until he has had at least eight (8) consecutive hours of rest.

Section 39-275. Consumption of Alcoholic Beverages.

The consumption of an alcoholic beverage by an individual, over the age of twenty-one (21), who is strictly a passenger in the passenger area of an Entertainment Transportation Vehicle is permitted. Sales of alcohol by the operator, driver, or riders of the vehicle are prohibited.

A. If alcoholic beverages are allowed to be consumed on an Entertainment Transportation Vehicle, the vehicle operator shall apply for a permit to allow such consumption from the Permits Office. The application fee for such permit is \$25 and the operator of an Entertainment Transportation Vehicle company shall pay an additional \$25 for each Entertainment Transportation Vehicle on which alcohol is being consumed. The driver or operator of an Entertainment Transportation Vehicle shall be in possession of the permit referenced in this subsection at all times alcohol is being consumed on the Entertainment Transportation Vehicle. Additionally, the registration number issued by the Permits Office shall be conspicuously displayed on the rear of the Entertainment Transportation Vehicle.

B. If an alcohol consumption permit is granted to the Entertainment Transportation Vehicle operator, the following notice shall be on full display on the Entertainment Transportation Vehicle:

1. Each passenger is asked to drink responsibly; and
2. No passengers are permitted to take any opened alcoholic beverage container with them when they exit the Entertainment Transportation Vehicle, except in the Beale Street Historic District.

C. An Entertainment Transportation Vehicle driver shall not operate an Entertainment Transportation Vehicle while under the influence of alcoholic beverages, nor shall the driver consume alcoholic beverages while operating the vehicle.

D. The Entertainment Transportation Vehicle operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21).

E. Any violations of this Section may be enforced under the applicable laws of the City of Memphis and the State of Tennessee, as contemplated by §§ 39-291 and 39-293, which may result in revocation or suspension of the operator's certificate of public convenience and necessity.

Section 39-276. Return of passengers' property.

A driver of an Entertainment Transportation Vehicle shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the driver shall turn the property in to the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty (30) days.

Section 39-277. Compliance with provisions.

Every driver granted a driver permit under this Article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the Entertainment Transportation Vehicle driver permit.

Section 4. Equipment and Operation

Section 39-278. Entertainment Vehicle permit required.

A. Each Entertainment Transportation Vehicle must have a vehicle permit issued by the MTC in the vehicle. The permit will identify each vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the certificate holder. Entertainment Transportation Vehicle permits are not transferable to other entertainment transportation vehicles or other certificate holders.

B. To qualify for a vehicle permit, an applicant must have obtained a Certificate of Public Convenience and Necessity pursuant to § 39-257 of this Article and comply with all of the requirements and stipulations of this Chapter and any rules and regulations adopted by the MTC.

C. A \$125 fee will be charged for the issuance of each approved Entertainment Transportation Vehicle permit associated with the certificate.

D. It shall be unlawful for any person to transport or offer to transport passengers in any Entertainment Transportation Vehicle which does not have affixed to the vehicle a valid permit issued through the MTC.

Section 39-279. Application for additional vehicle permits.

An application for additional Entertainment Transportation Vehicle permits under the certificate of public convenience and necessity issued pursuant to this Article must be filed with the MTC director. The requirements stipulated in this Chapter shall apply and must be satisfied in order for the application to be considered. If approved, the established permit fee will be applied.

Section 39-280. Ownership and control of vehicles.

All Entertainment Transportation Vehicles permitted under this Chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

Section 39-281. Vehicle to display identification.

All Entertainment Transportation Vehicles operated under the authority of this Chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

Section 39-282. Vehicle requirements; safety standards.

A. To the fullest extent permitted by Tennessee and federal law, prior to the issuance of a permit, or the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a designated third party in accordance with rules and regulations prescribed by the MTC. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC director, who shall authorize an Entertainment Transportation Vehicle permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this Chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an Entertainment Transportation Vehicle available for inspection in accordance with the rules and regulations adopted by the MTC. If, upon inspection, it is determined that an Entertainment Transportation Vehicle for hire is not in compliance with this Chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within two (2) weeks and require it to be reinspected prior to resuming operation.

C. Every vehicle operating under this Chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this Chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this Chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify its compliance with this subsection to the MTC director.

F. The MTC may, by rule, establish additional inspection requirements for Entertainment Transportation Vehicles and other equipment used in the Entertainment Transportation Vehicle service.

Section 39-283. Operating area.

Entertainment Transportation Vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (CBID - Core District, Edge/Medical District, and South District - see Exhibit A). In addition, Entertainment Transportation Vehicles may operate in the area commonly known as Overton Square, and along Union Avenue between the CBID and Overton Square. Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or its staff prior to beginning of operations.

Section 39-284. Operating hours.

Entertainment Transportation Vehicles shall operate between the hours of 11 AM to 1 AM local time. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 39-285. Records and reports.

A. Each holder shall maintain at a single location business records of its Entertainment Transportation Vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the Entertainment Transportation Vehicle(s) operating each day;

2. An identification of the drivers operating the Entertainment Transportation Vehicles each day and a statement of the hours each driver operated the vehicle each day; and

3. Any other information the MTC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

Section 39-286. Accidents

A. All accidents arising from or in connection with the operation of an Entertainment Transportation Vehicle shall be reported within seventy-two (72) hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person; or

2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars (\$400).

B. An Entertainment Transportation Vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident, or removed from operation until repaired, and inspected prior to resuming operations.

Section 39-287. Passengers-Receiving and discharging by drivers.

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the Entertainment Transportation Vehicle after the vehicle has left its fixed starting point.

Section 39-288. Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

Section 39-289. Soliciting business.

No certificate holder or driver of an Entertainment Transportation Vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that Entertainment Transportation Vehicle. This section shall not be construed to prohibit certificate holders from advertising their entertainment transportation business by other reasonable means.

Section 39-290. Compliance with other laws.

It shall be a violation of this Chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing Entertainment Transportation Vehicle services.

Section 39-291. Enforcement of this Article.

A. The MTC shall promulgate rules and regulations, consistent with applicable state and federal law, relative to the operation and use of Entertainment Transportation Vehicles. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall deem necessary.

B. Enforcement of any power or authority granted the MTC under this Chapter or any rules or regulations issued by the MTC pursuant to such authority shall be delegated by the Commission to any employee of the Commission staff, who may issue a citation for violations of this Ordinance, pursuant

to Tenn. Code Ann. §§ 7-56-101 and 7-63-101.

C. The inspectors of the Memphis Transportation Commission are authorized and instructed to observe the conduct of holders of certificates and permits operating under this Chapter. Upon discovering a violation of any of the provisions of this Chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under this section.

D. The inspectors of the Memphis Transportation Commission shall conduct random and periodic inspections of the operations of holders of certificates and permits operating under this chapter, to ensure compliance with the provisions of this Chapter and the Rules and Regulations of the MTC.

E. In addition to the enforcement authority provided to MTC inspectors in this section, officers of the Memphis Police Department shall have the authority to enforce this Chapter in performance of their duty to protect and serve and enforce the laws of the City of Memphis and the State of Tennessee; such enforcement includes, but is not limited to the authority of the police officer to issue a summons or misdemeanor citation or effect a physical arrest for violations. A police officer, upon observing a violation of this Chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this Chapter, may take necessary enforcement action to ensure effective regulation of Entertainment Transportation Vehicles.

Section 39-292. Limitation of service due to weather conditions.

Entertainment Transportation Vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of Entertainment Transportation Vehicles in

inclement weather conditions.

Section 5. Violations – Civil Penalty Schedules

Section 39-293. Violations-Penalties-Additional regulations.

A. All provisions of this Chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Tennessee Code Annotated § 6-54-306, the Charter of the City of Memphis Article 40, Section 355, and the Code of Ordinances of Memphis, Tennessee, Section 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this Chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this Chapter and state and federal laws, and prior approval is obtained from the Memphis City Council.

Section 6. Severability

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 7. Intent on Legal Effect

BE IT FURTHER ORDAINED, That as amended hereby the remaining provisions of CHAPTER 6

– BUSINESS LICENSES AND REGULATIONS remains in full force and effect.

Section 8. Codification

BE IT FURTHER ORDAINED, That this ordinance amends Chapter 39 of the official City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City’s Ordinances in the official City Code, as amended from time to time, for the convenience of the public. The official City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City’s Comptroller in the Office of Council Records.

Section 9. Effective Date Clause

BE IT FURTHER ORDAINED, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and becomes effective as otherwise provided by law and shall remain effective and operative unless and until the City Council alters, amends, clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

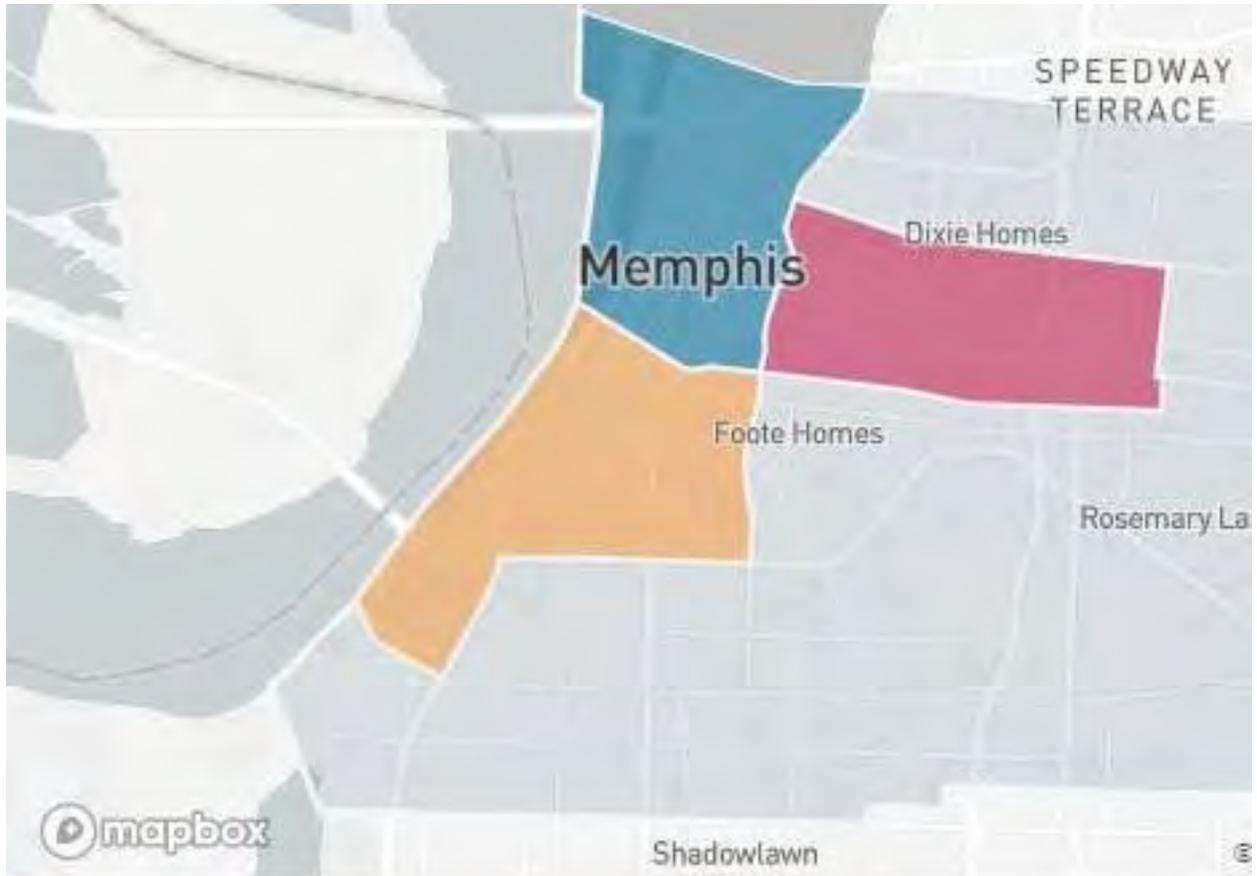
SPONSOR

J. Ford Canale

CHAIRMAN

JB Smiley, Jr.

Exhibit A



-  South District
-  North District
-  Core District
-  Edge/Medical District
-  Core City District



Memphis City Council Summary Sheet

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

Memphis Parks requests to create 13 full-time positions in FY24 by redlining \$722,678 in surplus part-time salary funding to full-time salaries. This ISL request is budget neutral and requires no additional funding.

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

Memphis Parks

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

This is a change to Budget Ordinance 5872, which approved the FY24 General Fund Operating Budget

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

This resolution affects all districts

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

N/A

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

This resolution required a budget amendment

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

N/A



Resolution to Amend the Fiscal Year 2024 General Fund Operating Budget for Memphis Parks Division

WHEREAS, on June 20, 2023, the Memphis City Council approved Budget Ordinance 5872, which established and appropriated the Fiscal Year 2024 General Fund Operating Budget; and

WHEREAS, the Memphis Parks Division realized a need for additional full-time positions to perform the Division's duties in a manner that upholds the high job performance standards obligated to the citizens of Memphis; and

WHEREAS, the Memphis Parks Division currently has a surplus of part-time salary funding due to difficulties in part-time hiring recruitment and turnover; and

WHEREAS, the Memphis Parks Division requests to increase its authorized complement by 13 and create the following full-time positions:

- 1 Human Resources Business Partner
- 1 Social Media Specialist
- 3 Truck Drivers
- 1 Assistant Director
- 3 Golf Maintenance Supervisor Assistants
- 1 Aquatic Coordinator
- 1 Group Exercise Coordinator
- 1 Field Director
- 1 Play Your Park Specialist; and

WHEREAS, it is necessary to amend the Fiscal Year 2024 General Fund Operating Budget to move the appropriated \$722,678 in Memphis Parks part-time salaries to the following service centers to fund the creation of the 13 full-time positions:

150101

- Increase Full-Time Salaries by \$69,300
- Decrease Part-Time Salaries by \$26,070

150104

- Increase Full-Time Salaries by \$56,070

150402

- Increase Full-Time Salaries by \$157,446
- Decrease Part-Time Salaries by \$157,446

151002

- Increase Full-Time Salaries by \$51,000
- Decrease Part-Time Salaries by \$51,000

151502

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

151504

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

151505

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

151603

- Increase Full-Time Salaries by \$91,628
- Decrease Part-Time Salaries by \$91,628

151604

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

151605

- Increase Full-Time Salaries by \$57,834
- Decrease Part-Time Salaries by \$157,134;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2024 General Fund Operating Budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982 in the amount of \$722,678 for the Memphis Parks Division.