



Memphis City Council Summary Sheet

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

This item is a Resolution approving a lease agreement with Diamond Pipeline, LLC, a Delaware corporation, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on March 18, 2015.

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

Memphis and Shelby County Port Commission

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

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

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

This is a resolution for a new lease agreement. The Lessee will pay \$62,769.96 annually for the lease agreement. After the initial term, the annual rental for each succeeding term will be negotiated by the parties. The term of the lease is for 5 years, October 1, 2015 to September 30, 2020. The Lessee shall have the option to renew for three (3) additional five-year periods.

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

This does not require expenditure of funds nor a budget amendment.

PORT COMMISSION RESOLUTION

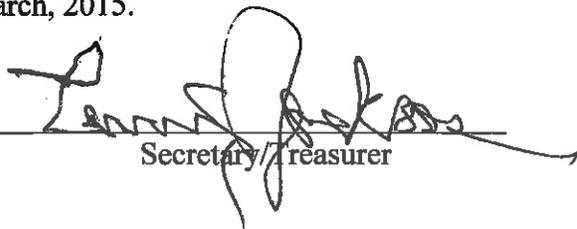
WHEREAS, DIAMOND PIPELINE LLC, a Delaware limited liability company, has requested that Memphis and Shelby County Port Commission (“Port Commission”) enter into a Lease Agreement providing that the Port Commission, along with the City of Memphis and County of Shelby, Tennessee, lease certain real property for five (5) years in the Port Commission’s Presidents Island Industrial Subdivision.

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

NOW, THEREFORE, BE IT RESOLVED by the Port Commission that the proposed Lease Agreement with Diamond Pipeline, LLC is hereby approved. The appropriate officials are authorized to execute same.

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

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 18th day of March, 2015.


Secretary/Treasurer

**CITY OF MEMPHIS
RESOLUTION APPROVING LEASE AGREEMENT WITH
DIAMOND PIPELINE LLC**

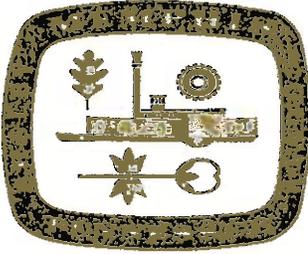
WHEREAS, DIAMOND PIPELINE LLC, a Delaware limited liability company, has requested that Memphis and Shelby County Port Commission (“Port Commission”) enter into a Lease Agreement providing that the Port Commission, along with the City of Memphis and County of Shelby, Tennessee, lease certain real property for five (5) years in the Port Commission’s Presidents Island Industrial Subdivision.

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

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Port Commission, that the proposed Lease Agreement with Diamond Pipeline LLC is hereby approved.

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

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



Memphis City Council Summary Sheet: A Resolution appropriating FY 2016 funds for various modifications, renovations and improvements projects throughout the City including roofing, plumbing, painting, carpentry and HVAC.

Memphis City Council Summary Sheet

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

A resolution appropriating \$288,000 in Engineering-Architecture and \$2,582,000 in Contract Construction funded by G O Bonds – General in CIP Project number GS01007, to fund various modifications, renovations and improvements projects throughout the City including roofing, plumbing, painting, carpentry and HVAC.

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

General Services

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

Does not change an existing ordinance or resolution

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

Requires a new contract

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

A budget amendment is needed due to appropriate of contract construction funds.

City Council Resolution – GS01007 Major Modification



A Resolution to appropriate FY 2016 funds for major modifications, renovations and improvements to various City properties for the General Services Division.

WHEREAS, the Council of the City of Memphis did include the Major Modification/Improvements to Property, Project number GS01007, as part of the FY 2016 Capital Improvement Program budget; and

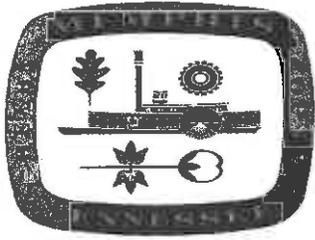
WHEREAS, Major Modification/Improvements to Property, Project Number GS01007 included \$2,880,000 earmarked for Property Maintenance to perform various repairs, modifications and improvements to City properties including roofing, plumbing, painting, carpentry and HVAC ; and

WHEREAS, bids will be solicited and evaluated for various projects; and

WHEREAS, it is necessary to appropriate a sum of \$288,000 in Engineering-Architecture and \$2,592,000 in Contract Construction funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project number GS01007, to fund repairs, modifications and improvements to various City properties.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby appropriated the sum of \$288,000 in Engineering-Architecture and \$2,592,000 in Contract Construction funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project Number GS01007 and credited as follows:

Project Title:	Major Modifications/Improvements to Property
Project Number:	GS01007
Amount:	\$2,880,000



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
FY16 CIP Resurfacing Grp 1
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
The Public Works Division is the initiating party of this resolution.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
N/A
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
New Contract
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
The resolution does require an expenditure of funds.

RESOLUTION

This resolution provides funding for resurfacing of various streets throughout the City of Memphis.

WHEREAS, the Council of the City of Memphis approved FY16 CIP Asphalt/Paving, new project number PW01272 as part of the Public Works Fiscal Year 2016 Capital Improvement Budget; and

WHEREAS, bids were taken on July 10, 2015 for Resurfacing Fiscal Year 2016 Group 1, project number PW04104 with the lowest complying bid of two bids being \$2,980,860.00 submitted by APAC-TENN; and

WHEREAS, it is necessary to transfer an allocation of \$2,980,860.00 funded by G.O. Bonds – General FY16 Asphalt/ Paving, project number PW01272 to FY16 Resurfacing Grp 1, project number PW04104 for resurfacing various streets in the City; and

WHEREAS, it is necessary to appropriate \$2,980,860.00 funded by G.O. Bonds – General FY16 Asphalt/ Paving, project number PW01272 to FY16 Resurfacing Grp 1, project number PW04104 for resurfacing various streets in the City; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2016 Capital Improvement Budget be and is hereby amended by transferring an allocation and appropriating of \$2,980,860.00 funded by General Obligations (G.O.) Bonds - from FY16 Asphalt Paving, project number PW01272 to FY16 CIP Resurfacing Grp 1, project number PW04104 for the resurfacing of various streets in the City of Memphis.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,980,860.00 in G.O. Bonds – General chargeable to the Fiscal Year 2016 Capital Improvement Budget and credited as follows:

Project Title:	FY16 Resurfacing Grp 1
Project Number:	PW04104
Amount:	\$2,980,860.00



Memphis City Council Summary Sheet

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

Request to transfer and appropriate additional construction funds to repair unanticipated slope failure at Holmes Road over the BNSF Railroad. Project ST03165.

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

The Public Works Division is the initiating party of this resolution.

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

NA

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

Requires amend to existing contract 32115, March 12, 2015; White Construction Company.

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

The resolution does require an expenditure of funds/a budget amendment.

RESOLUTION

This resolution is an additive change order (*additional funds*) request to an existing construction contract to transfer and appropriate additional construction funds to repair unanticipated slope failure at Holmes Road over the BNSF Railroad.

WHEREAS, the Council of the City of Memphis approved reprogramming dollars for Bridge Repair Storm Water, project number ST03083, as part of the Public Works Fiscal Year 2016 Capital Improvement Budget; and

WHEREAS, there currently exist a contract (*contract amount \$1,078,290.50*). Council approved an appropriation via resolution (*CIP # ST03165*) awarding a construction contract to White Construction Company (*Contract #32115*) on December 16, 2014 for the repair of slope failure at the Holmes Road Bridge over the BNSF Railroad; and

WHEREAS, it is necessary to extend said contract for additional funds in the amount of \$453,000.00 for repair of unanticipated slope failure at Holmes Road over the BNSF Railroad; and

WHEREAS, it is necessary to transfer construction allocation of \$453,000.00 reprogrammed funded by G.O. Bonds (General-Storm Water) Bridge Repair Storm Water, project number ST03083 to Holmes/BNSF RR Slope Repair, project number ST03165; and

WHEREAS, it is necessary to appropriate \$453,000.00 reprogrammed funded by G.O. Bonds (General-Storm Water) in Holmes/BNSF RR Slope Repair, project number ST03165 for repair of unanticipated slope failure at Holmes Road over the BNSF Railroad.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2016 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$453,000.00 reprogrammed funded by G.O. Bonds (General-Storm Water) in Bridge Repair Storm Water, project number ST03083 to Holmes/BNSF RR Slope Repair, project number ST03165 for repair of unanticipated slope failure at Holmes Road over the BNSF Railroad.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$453,000.00 reprogrammed funded by G.O. Bonds (General-Storm Water) chargeable to the FY 2016 Capital Improvement Budget and credited as follows:

Project Title	Holmes/BNSF RR Slope Repair
Project Number	ST03165
Total Amount	\$453,000.00

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

An ordinance amend Section 4-28-22 to allow for any employee who elected to participate in the DROP program between 9/1/2012 and 6/30/2015 and whose effective date of retirement is between 10/1/2015 and 9/1/2018, may elect to "freeze" in place and suspend participation in the DROP program.

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

Human Resources

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

Yes, this would amend Section 4-28-22 to add pragraph G.

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

No

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

No

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO AMEND SECTION 25-200 OF THE 1978 PLAN TO ADD PARAGRAPH G TO ALLOW FOR LIMITED SUSPENSION OF THE DROP PROGRAM BY QUALIFYING PARTICIPANTS

WHEREAS, the City of Memphis, Tennessee has established a Deferred Retirement Option Plan (DROP) as part of its 1978 plan which may have a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, as subsequently amended and restated under the provisions of section 25-200 as codified a section 4-28-22

WHEREAS, the City of Memphis desires to allow certain individuals currently participating in the DROP program to suspend their current participation.

NOW, THEREFORE, the DROP program is modified by adding paragraph G. Section 4-28-22 reads as follows:

Sec. 4-28-22. Deferred retirement option plan (DROP).

A. *DROP overview.* Except as provided in subsection F of this section, an eligible employee (as defined in subsection B of this section), who has made the election described in subsection C of this section, will participate in the program and receive the benefit described in subsection D of this section, and receives distributions in the form described in subsection E of this section.

B. *Definition.* *Eligible employee* means any employee who is a participant who has attained his or her normal retirement date and has at least 25 years of service.

C. *Election.* An eligible employee can make an irrevocable election to participate in the DROP program (as described in subsection D of this section), during December, March, June, or September, by completing an election form to participate in the DROP program for a maximum one-year, two-year, or three-year period beginning on the effective date of the election, and agreeing to retire no later than the end of his or her one-, two-, or three-year period of participation in the DROP program. The December election is effective on the next January 15; the March election is effective on the next April 15, the June election is effective on the next July 15; and the September election is effective on the next October 15.

D. *Participation and benefits.* During the one-year, two-year, or three-year period elected by the employee:

1. The employee's contributions and the city's contributions to the plan shall cease as of the effective date;

2. No additional years of service or compensation shall be considered (with the exception of possible ad hoc benefit increases granted by the city), so the employee's benefit under the plan is frozen (or fixed) as of the date his or her election is effective;

3. The employee's frozen benefit shall be calculated as though the employee retired on the effective date of his or her election, and a DROP account shall be established for such eligible employee; and

4. A DROP account shall be established for each electing employee. The DROP account shall be a recordkeeping account for the benefit of electing participants, which beginning on the effective date of the electing participant's election, shall be credited with an amount equal to the monthly pension benefit the electing participant would receive had he or she retired and begun receiving payments on the effective date.

Interest shall be credited each calendar quarter on the average monthly balance in the DROP account during such quarter based on 25 percent of the 90-day treasury bill yield published in the last Wall Street Journal of such quarter.

E. *Distribution from DROP program.* As soon as is administratively feasible after the employee has ceased to participate in the DROP program, the city will begin to pay the employee his or her monthly benefit, and also, pay the employee in a lump-sum the balance in his or her DROP account as of the end of the last quarter. The lump-sum payment of the DROP account may be rolled-over at the participant's direction.

F. *Exceptions and limitations.* In the event an employee who has elected to participate in the DROP program becomes disabled or dies in the line of duty as defined in section 4-4-1(27), 4-28-12(A) or 4-28-16, the participant's election shall be retroactively revoked and such participant or beneficiary shall be eligible for line of duty disability retirement or death benefits as defined in section 4-28-12(A) or 4-28-16 as if the DROP program had never been elected.

G. Notwithstanding any other limitations, for any employee who elected to participate in the DROP program between 9/1/2012 and 6/30/2015 and whose effective date of retirement is between 10/1/2015 and 9/1/2018, such employee may elect to temporarily "freeze" in place and suspend participation in the DROP program ("Drop Suspension"). Requests for a Drop Suspension must be submitted in writing on a DROP Suspension Form to the Human Resources Director's Office on or before 10/30/2015. The Drop Suspension Period shall commence on the first Business Day after Human Resources Director's Office receives the Drop Suspension Form and shall continue until the participating employee elects to "unfreeze" and resume participation in the DROP program by submitting a written notice to the Human Resources Director's Office, which may be made at anytime after the Drop Suspension Period commences.

By electing to "freeze" and suspend participation in the DROP program, the participating employee agrees that during the Drop Suspension Period he or she will be deemed to be an "Employee" under the City's Pension Plan and for all other City purposes and shall thereby receive creditable service for pension purposes as a regular employee during the Drop Suspension Period. The City and the electing employee will be required to make all City and Employee Contributions to the City's Pension Plan during the Drop Suspension Period.

During the Drop Suspension Period the City's payments to the employee's DROP account will immediately cease. However, any amount accrued in the employee's DROP account as of the commencement of the Drop Suspension Period will be held for the benefit of the electing employee and will accrue normal interest during the Drop Suspension Period.

Upon termination of the Drop Suspension Period, the employee's participation in the DROP Program shall recommence at that time and the employee shall be entitled to complete any time remaining in the original election period (1, 2 or 3- years) at the time the employee suspended participation in the DROP program, except that the City's payments into the employee's Drop Account from that point forward shall be based on recalculated Pension Benefits using the additional creditable service earned during the Drop Suspension Period. The employee shall not receive pension creditable service time for the period of time the employee previously participated in the DROP program. Upon re-entry of the DROP program the provisions of Subsection D will apply.

**Resolution ensuring that all surviving spouse of employees who died in the
Line of Duty shall continue to receive health insurance benefits**

Whereas, the employees serving our city deserve to know that if they die in the line of duty then their family will be taken care of; and

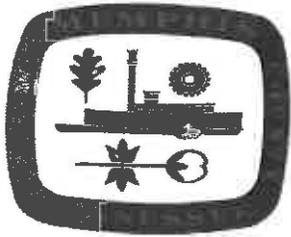
Whereas, as the law currently stands health benefits are not guaranteed for surviving family members; and

Whereas, the Memphis City Council wishes to make assurances to all employees that they will be covered should the worst happen to them.

Now, therefore be it resolved by the Memphis City Council that all surviving spouses and eligible dependents receiving for line of duty death benefits shall also receive a 70% subsidized healthcare from the City of Memphis.

Sponsor: Jim Strickland

City Council Resolution Template – 8-28-12



RESOLUTION

WHEREAS, the City of Memphis Division of Police Services receives monies for In-Service Training for Commissioned Officers; and

WHEREAS, the 2,167 Memphis Police Commissioned Officers have successfully completed their In-Service Training at a unit price per Officer of \$600.00 for a total of \$1,300,200.00; and

WHEREAS, it is necessary for the Memphis Police Division to accept State monies for In-Service Training for Commissioned Officers; and

WHEREAS, it is necessary to appropriate Special Revenue funding of One Million Three Hundred-Thousand Two Hundred Dollars (\$1,300,200.00) in the Fiscal Year 2016 Operating Budget for the Police In-Service Training as stated in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Special Revenue for the Police In-Service Training be accepted by the City of Memphis.

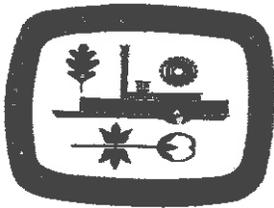
BE IT FURTHER RESOLVED, that the Fiscal year 2016 Operating Budget be and is hereby amended by appropriating the Revenues for the Special Revenue as follows:

REVENUES

In-Service Grant	\$1,300,200.00
Total Special Revenues	\$1,300,200.00

EXPENDITURES

Personnel	\$1,300,200.00
Total Expenditures	\$1,300,200.00



Memphis City Council Summary Sheet

- 1. Resolution seeking acceptance of grant funds from the State of Tennessee in the amount of \$1,300,200.00 specifically for the In-Service Training Program for training of 2,167 commissioned officers.**

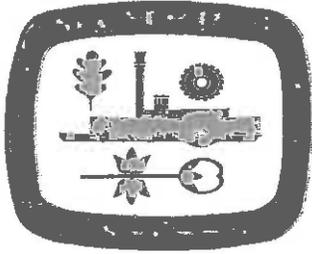
- 2. The City of Memphis Division of Police Services requests approval of the grant per project PD90170.**

- 3. The resolution amends FY2016 Operating budget to establish and appropriate grant funds.**

- 4. Resolution will not change an existing ordinance or resolution.**

- 5. Resolution will not require a new contract or amendment to an existing contract.**

- 6. This grant requires an expenditure of grant funds for payment to commissioned officers who completed In-Service training in calendar year 2014, but will not require a budget amendment.**



Memphis City Council Summary Sheet

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

This is a Resolution to Approve Extension of Contract No., 26029 between the City of Memphis and Memphis Athletic Ministries (MAM) for a second and final four (4) year term, for the management/operations of 4 City of Memphis community centers – Bethel LaBelle; Greenlaw; Magnolia-Simon/Boyd; and Hamilton.

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

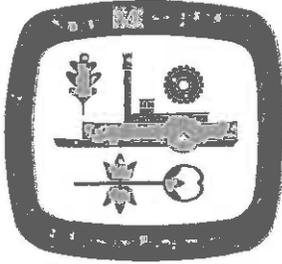
Parks & Neighborhoods Division – Recreation Services Dept.

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

N/A

4. State whether this requires a new contract, or amends an existing contract, if applicable. To Exercise Extension Option for Existing Contract No., 26029, for final 4 year term through August of 2019.

5. State whether this requires an expenditure of funds/requires a budget amendment. City is reimbursed for utilities, waste management, and security operational costs. This renewal/extension does not require a budget amendment.



Resolution

For Final Four (4) Year Term Extension of Contract No., 26069 between City of Memphis and Memphis Athletics Ministries (MAM)

WHEREAS, the City of Memphis owns and operates twenty-eight (28) community centers through its Division of Parks & Neighborhoods, for the purpose of providing positive environments for citizens to participate in a variety of programs, services and activities which meet the needs of the communities in which they are located; and

WHEREAS, the City, verified through an Independent Efficiency Study that it operated duplicate centers in at least four geographic areas (centers that were generally within 1.5 miles of each other) and for efficiency purposes should consider closing or disposing of certain surplus centers; and

WHEREAS, in 2009, the City issued a Request for Proposal (RFP) to identify interested parties to operate the four community center facilities identified in the efficiency study as, Greenlaw, 190 Mill Avenue; Magnolia-Simon/Boyd, 2130 Wabash Street; Bethel LaBelle, 2698 Larose Avenue; and Hamilton, 1363 Person Avenue; and

WHEREAS, Memphis Athletic Ministries (MAM), who was selected through the RFP process, has a long tradition of positive service to the Memphis community through its athletic based ministries, services, activities and programs; and

WHEREAS, MAM and the City of Memphis Division of Parks & Neighborhoods, desire to execute the final four (4) year extension option for MAM to operate the four (above named) community center facilities, for operational purposes consistent with the terms and conditions as outlined in the Lease Agreement, to provide various services and programs in the areas of Health, Fitness and Wellness; Educational, Character and Social Development; and Cultural Arts and Expressions, which will meet and serve the needs of the community; and

WHEREAS, City of Memphis Ordinance No. 4763, Article 1, Section 23-1(d) requires the approval of the Council of the City of Memphis to enter into this agreement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the second four (4) year term of the Lease Agreement (Contract No., 26069) between the City of Memphis, Division of Parks & Neighborhoods and Memphis Athletic Ministries, for the management and operations of four Community Centers, (Greenlaw, Simon/Boyd-Magnolia, Bethel LaBelle and Hamilton), is hereby approved in accordance with the terms and conditions set forth therein.

**EXTENSION OF CONTRACT NO., 26029
BETWEEN THE CITY OF MEMPHIS AND
MEMPHIS ATHLETIC MINISTRIES**

THIS EXTENSION is made and entered into this _____ day of _____, 2015, by and between the City of Memphis, a Tennessee municipal corporation (hereinafter referred to as "City"), and Memphis Athletic Ministries, a Tennessee non-profit entity, (hereinafter referred to as "MAM").

RECITALS:

1. Whereas, the City and MAM have entered into Contract No. 26029 (hereafter "Contract"), for providing activities and services at four (4) City Community Centers, consistent with the mission and vision of the City and the mission of MAM, particularly in the areas of Health, Fitness and Wellness; Educational and Character Development; and Cultural Arts and Expressions; and
2. Whereas, pursuant to such Contract, the Initial Term which expired on November 1, 2011, is subject to renewal/extension for two (2) four (4) year terms based upon the mutual written consent of the parties; and
3. Whereas, the first four year term is subject to renewal of the second and final four (4) year term, as of August 21, 2015; and
4. Whereas, the parties desire to exercise such option to renew the final term and hereby acknowledge that this document shall constitute such Extension of the second four (4) year term, which will run through August 2019.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The Contract is hereby extended for an additional term of four (4) years in accordance with Section 1, of the Contract, unless sooner terminated.
2. The parties agree and affirm that all terms of the Contract, not in conflict with this Extension remain in full force and effect and that nothing in this Extension relieves either party of their respective obligations under the Contract.
3. This Extension together with the Contract, constitutes the entire agreement between the parties, and supercedes all other prior or contemporaneous communication between the parties (whether

written or oral) relating to the subject matter of this Extension. Each party to this Extension hereby agrees to execute any documents or instruments reasonably required by the other party to evidence the foregoing.

IN WITNESS WHEREOF, the parties, by and through their duly authorized representatives, have executed this **EXTENSION TO CONTRACT NO. 26029 BETWEEN THE CITY OF MEMPHIS AND MEMPHIS ATHLETIC MINISTRIES** as of the date above written.

CITY OF MEMPHIS

MEMPHIS ATHLETIC MINISTRIES

BY: _____
A C Wharton, Jr., Mayor

BY: _____

TITLE: _____

DATE: _____

DIVISION OF PARKS & NEIGHBORHOODS

BY: _____
Janet P. Hooks, Director

APPROVED AS TO FORM:

Herman Morris, Jr., City Attorney



TENNESSEE

A C WHARTON JR. - Mayor
GEORGE M. LITTLE - Chief Administrative Officer

DIVISION OF FINANCE
ROLAND McELRATH - Director
Purchasing Agent
Jerome Smith

August 24, 2011

City Contract #26029

**Memphis Athletic Ministries
2107 Ball Road
Memphis, TN 38114**

Gentlemen:

We are enclosing, herewith, an executed copy of an Extension for Lease Agreement for operation of four (4) Community Centers for the Division of Park Services.

This copy is for your files.

Sincerely,

**Jerome Smith
Purchasing Agent**

**cc: City Comptroller
Park Services**

**EXTENSION OF CONTRACT NO. 26029
BETWEEN THE CITY OF MEMPHIS AND
MEMPHIS ATHLETIC MINISTRIES**

THIS EXTENSION is made and entered into this 27th day of Aug., 2011, by and between the City of Memphis, a Tennessee municipal corporation (hereinafter referred to as "City"), and Memphis Athletic Ministries, a Tennessee non-profit entity, (hereinafter referred to as "MAM").

RECITALS:

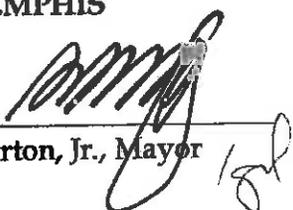
1. Whereas, the City and MAM have entered into Contract No. 26029 (hereafter "Contract"), for the lease of four City owned community centers by MAM to operate and provide activities and services consistent with the mission and vision of the City and the mission of MAM, particularly in the areas of Health, Fitness and Wellness; Educational and Character Development; and Cultural Arts and Expressions ; and
2. Whereas, pursuant to such Contract, the Initial Term which expires on November 1, 2011, is subject to renewal for two (2) consecutive four (4) year terms based upon the mutual written consent of the parties; and
3. Whereas, the parties desire to exercise such option to renew and hereby acknowledge that this document shall constitute such Extension.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The Contract is hereby extended for an additional term of four (4) years in accordance with Section 1.02 of the Contract, unless terminated sooner.
2. The parties agree and affirm that all terms of the Contract, not in conflict with this Extension remain in full force and effect and that nothing in this Extension relieves either party of their respective obligations under the Contract.
3. This Extension together with the Contract, constitutes the entire agreement between the parties, and supercedes all other prior or contemporaneous communication between the parties (whether written or oral) relating to the subject matter of this Extension. Each party to this Extension hereby agrees to execute any documents or instruments reasonably required by the other party to evidence the foregoing.

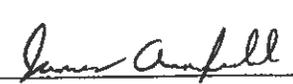
IN WITNESS WHEREOF, the parties, by and through their duly authorized representatives, have executed this EXTENSION TO CONTRACT NO. 26029 BETWEEN THE CITY OF MEMPHIS AND MEMPHIS ATHLETIC MINISTRIES as of the date above written.

CITY OF MEMPHIS

BY: 

A C Wharton, Jr., Mayor

MEMPHIS ATHLETIC MINISTRIES

BY: 

TITLE: President

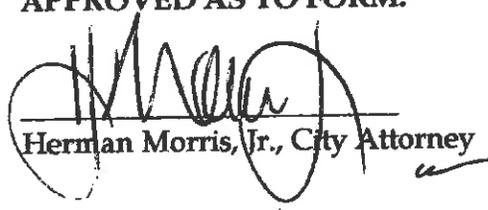
DATE: 6/16/11

DIVISION OF PARK SERVICES

 BY: 

Cynthia A. Buchanan, Director

APPROVED AS TO FORM:


Herman Morris, Jr., City Attorney

ORDINANCE NO. _____

**ORDINANCE TO ADD TITLE V, CHAPTER 40 OF THE CITY OF MEMPHIS,
CODE OF ORDINANCE TO CREATE THE MEMPHIS TOURISM
IMPROVEMENT DISTRICT**

WHEREAS, pursuant to Article 40 Section 353 of the Memphis City Charter the City Council shall have the power to pass, for the government of the City, any ordinance not in conflict with the constitution or laws of the United States or of the State of Tennessee; and

WHEREAS, the City Council has the power to pass any ordinance regulating the assessment, levy and collection of all City taxes not inconsistent with the provisions of the Constitution and laws of the United States and of the State of Tennessee; and

WHEREAS, the City Council finds that this ordinance is not inconsistent with the provisions of the Constitution and laws of the United States and of the State of Tennessee; and

WHEREAS, the tourism industry plays a vital role in the City's economic well-being, provides jobs for residents, and contributes to City revenue via sales and hotel /motel occupancy taxes; and

WHEREAS, the City Council recognizes the importance of investments in tourism marketing; and

WHEREAS, the Metropolitan Memphis Hotel and Lodging Association is supportive of the establishment of a Tourism Improvement District;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Title V, Chapter 40 is hereby added to the City of Memphis Code of Ordinances, to read as follows:

Section 5-40-1. Short Title.

This Chapter shall be known as the "Memphis Tourism Improvement District."

Section 5-40-2. Definitions.

For the purposes of this chapter, the following terms shall have the special meanings respectively ascribed to them below.

Assessment means a special assessment levied on hotels in the district.

Bureau means the Memphis Convention and Visitors Bureau, a nonprofit corporation.

District means the Memphis Tourism Improvement District created pursuant to this chapter.

Hotel means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration. Hotel does not include those hotels that are within a Tourism Development Zone and subject to the maximum privilege tax.

Transient means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodation in a hotel for a period of less than 30 continuous days.

Room night means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel for a period of twenty-four hours or less.

Section 5-40-3. Purpose.

The purpose of this chapter is to establish a tourism improvement district for the City that will generate funds dedicated to destination marketing. The district is intended to provide supplemental funding for marketing programs above and beyond that currently provided. District funds shall supplement existing hotel / motel occupancy tax funds dedicated to the bureau for marketing, advertising and promotion of the hospitality industry.

Section 5-40-4. Creation.

There is hereby established the Memphis Tourism Improvement District, effective January 1, 2016.

Section 5-40-5. Funding.

The district shall impose an assessment of \$2.00 per paid occupied room night on hotels in the City. The following room nights shall not be subject to the assessment:

A. Those wherein the person has maintained occupancy for 30 continuous days. When a person has maintained occupancy for 30 continuous days, that person shall receive from the operator a refund or credit for the assessment previously collected from or charged to him or her, and the operator shall receive credit for the amount of such assessment is previously paid or reported to the City.

B. Those for which the person is not charged, commonly known as complimentary or comp rooms.

Section 5-40-6. Programs.

The district funds shall be used to generate awareness of and increase visitation to the City. The programs will be designed to increase hotel room sales for the benefit of the assessed hotels. Non-assessed hotels will not be included in any district-funded programs. Programs may include:

- A. Marketing and advertising, including Internet, television, radio, and print;
- B. Promotions, such as package deals and contests;
- C. Sales efforts, including industry conferences, fam tours, and group sales efforts;
- D. Research on the tourism market and industry;
- E. Branding efforts;
- F. Support of special events which attract out of town visitors;
- G. Related administrative expenses; and
- H. Other programs designed to increase overnight stays at hotels.

Section 5-40-7. Collection.

- A. The assessment shall be remitted to the City treasurer, and the City treasurer is charged with the duty of collection thereof. Such assessment shall be remitted to the City treasurer not later than the twentieth day of each month for the preceding month. The assessment is the responsibility of each hotel; however, hotel may choose to pass the assessment on to the transient. If a hotel chooses to pass the assessment on to the transient, it must be disclosed in advance as the "Memphis TID assessment."
- B. For the purpose of compensating the City in accounting for and remitting the assessment to the Bureau, the City shall be allowed to retain one percent of the amount collected.

Section 5-40-8. Penalties and Interest.

Assessments not remitted to the City treasurer on or before the due dates shall be delinquent. A hotel shall be liable for interest on such delinquent assessments from the due date at the rate of ten percent per annum, and, in addition, a penalty of one percent for each month or fraction thereof such assessments are delinquent. Such interest and penalty shall become a part of the assessment herein required to be remitted. Each occurrence of willful failure or refusal of a hotel to remit the assessment is declared to be unlawful and shall be punishable by a fine of \$200.00. In addition, it is unlawful for any hotel to knowingly file a false assessment return, and a violation shall be punishable by a fine of not more than \$200.00.

Section 5-40-9. Management.

- A. Funds collected by the City, minus the one percent administration allowance, shall be remitted to the bureau within thirty days of receipt.
- B. The bureau shall be responsible for managing district funds and programs in accordance with this ordinance. The bureau shall not be considered a public entity for any purpose, nor shall its board members be considered public officials for any purpose. The bureau shall enter into a contract with the City regarding the management and use of funds.
- C. The bureau shall provide an annual report to the City. The annual report shall be submitted each year no later than ninety days after the anniversary of the assessment start date. The annual report shall include:
 - a. A summary of the activities provided in the previous year;
 - b. A summary of the expenditures from the previous year;
 - c. The amount of any revenue to be carried over from any prior year(s);
 - d. A list of the directors and officers of the bureau; and
 - e. A list of accomplishments attributable to the district.

Section 5-40-10. Severability.

If any portion, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, and if such portion, clause, or phrase is not so substantial that the City Council would not have adopted this chapter without it, then the remaining portions, clauses, and phrases shall not be affected but shall remain in full force and effect.

Section 5-40-11. Term.

The district hereby created shall have a ten-year term, from January 1, 2016 through December 31, 2025. Prior to the expiration of the term, the City Council may adopt a new ordinance to renew the district with the support of the Metropolitan Memphis Hotel and Lodging Association.

Section 5-40-12. Termination.

Objection petitions may be submitted once per year in the month of December. If an objection petition is received from businesses which pay more than fifty percent (50%) of the assessment, the City Council shall hold a hearing on district termination. Objection petitions must be signed by the business owner or their authorized representative, and dated within thirty (30) days of their submission to the City. A public hearing will be held on the objection petitions within thirty (30) days of the City's receipt of the objection petitions.

THE FOREGOING ORDINANCE

_____ PASSED

1st Reading _____

2nd Reading _____

3rd Reading _____

Approved _____

Chairman of Council

Date Signed: _____

Approved: _____

Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Comptroller

Myron Lowery, Chairman
Memphis City Council

ATTEST:

Comptroller

ORDINANCE NO.: _____

**ORDINANCE TO AMEND TITLE 5, CHAPTER 5-20 OF
THE MEMPHIS MUNICIPAL CODE TO INCREASE
THE EXISTING HOTEL/MOTEL OCCUPANCY TAX TO 3.5%**

WHEREAS, in accordance with applicable state law, Ordinance No. 4824 was previously adopted by the Council of the City of Memphis for the express purpose of establishing a hotel/motel occupancy tax for the City of Memphis; and

WHEREAS, pursuant to Ordinance No. 4824, the City currently imposes a hotel/motel occupancy tax in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the operator against each transient occupying a hotel room within the municipal limits of Memphis; and

WHEREAS, on May 21, 2002, Ordinance No. 4824 was amended by adoption of Ordinance No. 4939 which specified the distribution of all proceeds of the City's hotel/motel occupancy tax and eliminated the sunset provision included in Ordinance No. 4824; and

WHEREAS, pursuant to Section 67-4-1402 of the Tennessee Code Annotated, the City of Memphis is authorized to impose a hotel/motel occupancy tax in an amount up to five percent (5%) of the consideration charged by each hotel operator; and

WHEREAS, the Council believes that it is appropriate and in the best interests of the citizens of Memphis that the existing hotel/motel tax be increased by one and eight-tenths percent (1.8%) to a total of three and one-half percent (3.5%).

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Part 1, Section 2 of Ordinance No. 4824 codified as Section 5-20-2 of the Memphis Municipal Code is hereby amended to read as follows:

The City levies a privilege tax upon the privilege of occupancy in a hotel of each transient, except as provided below. Such tax shall be in the amount of three and one-half percent (3.5%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

Notwithstanding the foregoing, the City levies a privilege tax upon the privilege of occupancy in a hotel of each transient in a hotel which is in a

Tourism Development Zone and subject to the maximum privilege tax. Such tax shall be in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Part I, Section 9 of Ordinance No. 4824 as amended and codified as Section 5-20-9 is hereby amended to read as follows:

(a) Through and until June 30, 2016, 1.7% of the tax levied under this article shall be collected by the city and distributed as follows:

1. The revenue from such tax shall first be applied to payment of bonded indebtedness, principal and interest including expenses of the bond sale or sales to fund the construction or renovation of the Cook Convention Center up to the principal amount of Thirteen Million Dollars (\$13,000,000), provided however that in the event that revenues from the Memphis Tourism Development Zone (TDZ) or another City of Memphis revenue source is substituted for the taxes hereunder for payment of the said outstanding bonded indebtedness, then the Hotel/Motel tax amounts designated herein will thereafter be used to fund the New Memphis Arena project or such other projects and purposes as the City Council shall determine.

2. Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from 1.7% of the tax levied under this article over and above that amount which is required for each year's debt service on the outstanding bonded indebtedness incurred by the City for the construction or renovation of the Cook Convention Center, shall be used to provide operating revenue first, for the Wonders International Cultural Series, or its successor organization, in the amount of Four Hundred Thousand Dollars (\$400,000) for the city's fiscal year 2001 and Five Hundred Thousand Dollars (\$500,000) for fiscal years 2002 and 2003, and second for the Coliseum in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the city's fiscal years 2002 and 2003.

3. If there are excess revenues remaining after each year's debt service on the outstanding bonded indebtedness incurred by the city for construction or renovation of the Cook Convention Center and after operating funding has been provided for the Wonder's International

Cultural Series, or its successor organization, and The Coliseum, as provided in subsections (a)(1) and (2) of this section, then such excess will be provided to the Memphis Convention and Visitor's Bureau for additional marketing, advertising and promotion of the Memphis and Shelby County hospitality industry.

(b) From July 1, 2016 and thereafter, 1.7% of the tax levied under this article shall be collected by the City and applied to payment of bonded indebtedness, principal and interest, of the bond sale or sales by the Memphis and Shelby County Sports Authority for the purpose of development and construction costs of a new Memphis Sports Arena, built by the New Memphis Arena Public Building Authority, to fund the construction of the NBA arena, until paid in full, and thereafter to such other projects and purposes as the City Council shall determine.

(c) Upon the effective date of this ordinance, 1.8% of the 3.5% tax levied hereunder shall be used for the purpose of funding the following:

1. To make up any deficiencies in the payment of administrative expenses of the Memphis and Shelby County Sports Authority, payments to the Bond Fund, Rebate Fund, or Debt Service Reserve Fund;
2. To reimburse, on a pro rata basis, monies paid by Shelby County or the City of Memphis to replenish the Debt Service Reserve Fund;
3. For deposit to the Capital Improvement Reserve Fund to make capital improvements, administrative costs, to purchase or redeem Bonds, as directed by the Memphis and Shelby County Sports Authority; and
4. Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from this tax over and above that amount which satisfies items (c)1, (c)2, and (c)3 above, an amount equal to the difference between (1) the amount of the revenue received during the fiscal year and (2) the greater of: (a) the amount of original projected Hotel/Motel tax revenue for that period and (b) the amount the 1.7% rate would have provided, shall be applied to the payment of additional bonded indebtedness, principal and interest including expenses of the bond sale or sales to fund additional construction or renovation of the Cook Convention Center up to the principal amount of \$50,000,000.00.

SECTION 3. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED, that all parts of Ordinance Nos. 4824 and 4939, except as amended herein, shall remain in full force and effect.

SECTION 5. BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the 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.

THE FOREGOING ORDINANCE

_____ PASSED

1st Reading _____

2nd Reading _____

3rd Reading _____

Approved _____

Chairman of Council

Date Signed: _____

Approved: _____

Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Comptroller

Myron Lowery, Chairman
Memphis City Council

ATTEST:

Comptroller



Memphis City Council Summary Sheet

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

A Joint Ordinance amending the Memphis and Shelby County Residential Code which consists of the *2012 Edition of the International Code Council International Residential Code* and local amendments thereto, to limit the required use of engineered shear panels for seismic protection of residential structures when the locally drafted alternative compliance method for providing such seismic protection is used by the owner/builder.

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

At the request of Councilman Reid Hedgepeth

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

This is an amendment to an existing ordinance.

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

N/A

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

No expenditure of funds is required by this proposed amendment. No budget amendment is required by this proposed amendment.



A JOINT ORDINANCE AMENDING A PROVISION IN THE LOCAL AMENDMENTS TO THE 2012 EDITION OF THE INTERNATIONAL CODE COUNCIL INTERNATIONAL RESIDENTIAL CODE ALSO REFERRED TO AS THE MEMPHIS AND SHELBY COUNTY RESIDENTIAL CODE, TO ADDRESS WHEN THE USE OF ENGINEERED SHEAR PANELS FOR SEISMIC PROTECTION OF RESIDENTIAL STRUCTURES IS REQUIRED.

WHEREAS, The Shelby County Board of Commissioners and the City Council of the City of Memphis seek to adopt and maintain a comprehensive set of coordinated Technical Codes, including a building code to address the construction of one and two family homes in Memphis and Shelby County and to update this Code as necessary to assure the safe, economical and effective construction of residential one and two family structures in the Community; and

WHEREAS, The City Council for Memphis, Tennessee adopted *the 2012 Edition of the International Code Council International Residential Code* with local amendments, in Ordinance # 5480 on December 18, 2012 and an amendment thereto was adopted by the Memphis City Council in Ordinance # 5539 on December 17, 2013; and

Whereas, The Shelby County Board of Commissioners adopted the *2012 Edition of the International Code Council International Residential Code* in Ordinance # 425 with local amendments thereto on October 8, 2012 and amended those previously adopted provisions in Ordinance # 442 on December 16, 2013; and

WHEREAS, These adopted ordinances are referred to as the Memphis and Shelby County Residential Code; and

WHEREAS, It has been recommended that it is necessary and prudent to adopt an amendment to the most recently adopted Memphis and Shelby County Residential Code to better identify and to clarify when engineered shear panels must be used in the construction of one and two family dwellings which are also protected by full plywood sheathing of the structure and other identified protective measures as the means to achieve appropriate seismic protection for those structures; and

WHEREAS, The amendment to the Memphis and Shelby County Residential Code, when jointly adopted by the Shelby County Board of Commissioners and Memphis City Council, will provide a level of

protection that is considered by the members of the two legislative bodies adopting this joint ordinance to be reasonable and comparable with that protection required by surrounding jurisdictions and consistent with the structural requirements provided by the Code for such structures.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MEMPHIS, TENNESSEE THAT previously adopted Section R301.2.2.3.8, entitled "Alternative compliance method for structural requirements" is amended by deleting the last sentence of that section and subsection 1 of that section which consists of the following language:

The alternative compliance method is allowable only when the total wall opening area does not exceed 30 percent of wall area along each of the four main exterior walls, not including exterior walls containing a garage door opening.

1. A minimum of two 24" prefabricated shear panels may be installed in any one exterior wall with openings that exceed the 30 percent requirement and still be considered in compliance with the amendment conditions.

so that when modified by this amendment, Section R301.2.2.3.8 shall read as follows:

R301.2.2.3.8 Alternative compliance method for structural requirements. In addition to meeting all the structural requirements for Seismic Design Category C and sections R301.2.2.3.1, R301.2.2.3.6 and R301.2.2.3.7, an alternative compliance method for meeting structural requirements when wood framing is used shall include compliance with the following items. In the event any requirement in this section differs from wind code structural requirements, the more stringent will apply.

BE IT FURTHER ORDAINED, That should any part of this ordinance or code be found to be unconstitutional or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted Code and the amendments thereto.

BE IT FURTHER ORDAINED, That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County by virtue of the concurring and separate passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County Tennessee at the date of such adoption by the second body and as becoming effective as required by due process and the requirements of the Charter of each jurisdiction.

THE FOREGOING ORDINANCE

_____ PASSED

1st Reading _____

2nd Reading _____

3rd Reading _____

Approved: _____

Myron Lowery., Chairman of Council

Approved: _____

Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true
Copy, and said document was adopted by the
Council of the City of Memphis as above in-
dicated and Approved by the Mayor .

Comptroller