



## Memphis City Council Summary Sheet

Resolution appropriate G. O. Bonds to repair emergency sirens from Capital Project FS02027 EMA Sirens in the amount of \$25,245.00.

1. This item is a resolution to appropriate G.O. Bonds to repair emergency sirens from Capital Project FS02027 EMA Sirens in the amount of \$25,245.00.
2. Fire Service is initiating this resolution.
3. This project does not involve a change to an existing ordinance or resolution.
4. The original contract was signed September 16, 2011 between the City of Memphis and Metro Electrical & Mechanical Services Company.
5. This item requires expenditure of funds.

**RESOLUTION**

**WHEREAS,** Project Number FS02027, EMA Sirens, for the replacement of sirens, is included in the FY 2014 Capital Improvement budget; and

**WHEREAS,** the original contract was signed on September 16, 2011 in the amount of \$86,385.00 being executed between the City of Memphis and Metro Electrical & Mechanical Service Company; and

**WHEREAS,** it is necessary to appropriate \$25,245.00 in General Obligation Bonds for the replacement of EMA Sirens, and

**WHEREAS,** the funding for the replacement of EMA Sirens has been Allocated in Capital Improvement Project Number FS02027, Other Costs

**NOW, THEREFORE BE IT RESOLVED,** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$25,245.00 in General Obligation Bonds chargeable to the FY 2014 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>EMA Sirens</b>
<b>Project Number</b>	<b>FS02027</b>
<b>Amount</b>	<b>\$25,245.00</b>

**General Obligation Bonds**



## Memphis City Council Summary Sheet

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

This resolution is requesting the appropriation of funds in the amount of \$560,565.00 for pavement modifications at Fire Stations 15 @ 688 Breedlove & FS 40 @ 2231 E. Shelby Drive. The lowest complying bid was submitted by A & B Construction, Inc. for the Division of Fires Services, CIP Project Number FS02001, which is part of the FY14 Capital Improvement Program Budget funded by G.O. Bonds General.

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

Memphis Fire Services

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

This is the original resolution requesting the appropriation of funding for this project.

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

This request will require a new construction contract.

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

This project is part of the FY14 Capital Improvement Program Budget funded by G.O. Bonds General, CIP Project Number FS02001.

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis did include Fire Station Repair, Fire Stations 15 & 40, CIP Project Number FS02001, as part of the Fiscal Year 2014 Capital Improvement Program Budget; and

**WHEREAS**, four bids were received on April 11, 2014 for pavement modifications, with the best complying bid submitted by A & B Construction, Inc. in the amount of \$519,042.00; and

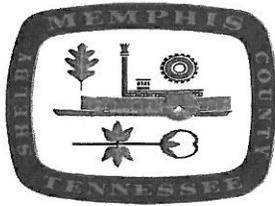
**WHEREAS**, it is necessary to appropriate \$560,565.00, CIP Project Number FS02001, Contract Construction funded by G.O. Bonds General for the Fire Station Repair pavement modifications as follows:

Bid Amount:	\$519,042.00
Contingency:	\$ 41,523.00
Total:	\$560,565.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis there be and is hereby appropriated the amount of \$560,565.00, CIP Project Number FS02001, Contract Construction funded by G.O. Bonds General for the pavement modifications:

<b>Project Title:</b>	<b>Fire Station Repair</b>
<b>CIP Project Number:</b>	<b>FS02001</b>
<b>Total Construction Cost:</b>	<b>\$560,565.00</b>

## Memphis City Council Summary Sheet Template 4-16-14



# Memphis City Council Summary Sheet

1. Resolution seeking acceptance of donations in the amount of \$25 from Fox Meadows Liquors as awarded to the City of Memphis Police Department for funding Police Services' operational activities.
2. The City of Memphis Division of Police Services is awarded these funds and will serve as the fiscal agent.
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will require an expenditure of funds equal to the amount of the donation but will not require a budget amendment.

City Council Resolution Template – 4/16/14



**RESOLUTION**

**WHEREAS**, the City of Memphis Division of Police Services has been awarded a donation in the amount of twenty-five Dollars and 00/100 (\$25) from Fox Meadows Liquors; and

**WHEREAS**, the donation is to be used to fund police operational activities; and

**WHEREAS**, it is necessary to accept the donation and amend the Fiscal Year 2014 Operating Budget to establish funds; and

**WHEREAS**, it is necessary to appropriate the funds in the amount of twenty-five dollars and 00/100 (\$25.00) received from Fox Meadows Liquors as stated in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the donation in the amount of twenty-five dollars and 00/100 (\$25.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal year 2014 Operating Budget be and is hereby amended by appropriating the Revenues for the various donations as follows:

**REVENUES**

**Miscellaneous Revenue (049623)**

Mt. Moriah Precinct	140303-049623	\$25.00
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**EXPENDITURES**

**Miscellaneous Services (052950)**

Mt. Moriah Precinct	140303-052950	\$25.00
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# City Council Resolution Template – 4/16/14

## ATTACHMENT A

<b>Donor</b>	<b>Amount</b>	<b>Purpose</b>	<b>Recipient Unit</b>
Fox Meadows Liquors	\$25.00	Police Fundraising	Mt. Moriah Precinct



## Memphis City Council Summary Sheet

1. Resolution seeking acceptance of donations in the amount of \$335.00 from Carolyn Bendall as awarded to the City of Memphis Police Department for funding Police Services' operational activities.
2. The City of Memphis Division of Police Services is awarded these funds and will serve as the fiscal agent.
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will require an expenditure of funds equal to the amount of the donation but will not require a budget amendment.



**RESOLUTION**

**WHEREAS**, the City of Memphis Division of Police Services has been awarded a donation in the amount of three hundred thirty five dollars and 00/100 (\$335.00) from Carolyn Bendall; and

**WHEREAS**, the donation is to be used to fund police operational activities; and

**WHEREAS**, it is necessary to accept the donation and amend the Fiscal Year 2014 Operating Budget to establish funds; and

**WHEREAS**, it is necessary to appropriate the funds in the amount of three hundred thirty five dollars and 00/100 (\$335.00) received from Carolyn Bendall as stated in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the donation in the amount of three hundred thirty five dollars and 00/100 (\$335.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal year 2014 Operating Budget be and is hereby amended by appropriating the Revenues for the various donations as follows:

**REVENUES**

**Miscellaneous Revenue (049623)**

Crime Prevention	140503-049623	\$335.00
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**EXPENDITURES**

**Miscellaneous Services (052950)**

Crime Prevention	140503-052950	\$335.00
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City Council Resolution Template – 4/16/14

ATTACHMENT A

<b>Donor</b>	<b>Amount</b>	<b>Purpose</b>	<b>Recipient Unit</b>
Carolyn Bendall	\$335.00	Donation	Crime Prevention



## Memphis City Council Summary Sheet

1. Resolution seeking acceptance of donations in the amount of \$1,386.54 from Fred's Inc. as awarded to the City of Memphis Police Department for funding Police Services' operational activities.
2. The City of Memphis Division of Police Services is awarded these funds and will serve as the fiscal agent.
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will require an expenditure of funds equal to the amount of the donation but will not require a budget amendment.



## RESOLUTION

**WHEREAS**, the City of Memphis Division of Police Services has been awarded a donation in the amount of one thousand three hundred eighty-six dollars and 54/100 (\$1,386.54) from Fred's Inc.; and

**WHEREAS**, the donation is to be used to fund police operational activities; and

**WHEREAS**, it is necessary to accept the donation and amend the Fiscal Year 2014 Operating Budget to establish funds; and

**WHEREAS**, it is necessary to appropriate the funds in the amount of one thousand three hundred eighty-six dollars and 54/100 (\$1,386.54) received from Fred's Inc. as stated in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the donation in the amount of one thousand three hundred eighty-six dollars and 54/100 (\$1,386.54) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal year 2014 Operating Budget be and is hereby amended by appropriating the Revenues for the various donations as follows:

### REVENUES

#### Miscellaneous Revenue (049623)

Ridgeway Precinct	140311-049623	\$470.06
Mount Moriah Precinct	140303-049623	\$916.48

### EXPENDITURES

#### Miscellaneous Services (052950)

Ridgeway Precinct	140311-052950	\$470.06
Mount Moriah Precinct	140303-052950	\$916.48

City Council Resolution Template – 4/16/14

ATTACHMENT A

<b>Donor</b>	<b>Amount</b>	<b>Purpose</b>	<b>Recipient Unit</b>
Fred's Inc.	\$470.06	Donation	Ridgeway Precinct
Fred's Inc.	\$131.97	Donation	Mount Moriah Precinct
Fred's Inc.	\$177.00	Donation	Mount Moriah Precinct
Fred's Inc.	\$266.00	Donation	Mount Moriah Precinct
Fred's Inc.	\$341.51	Donation	Mount Moriah Precinct



## Memphis City Council Summary Sheet

Resolution seeking acceptance of grant funds in the amount of \$400,000.00 for the Governor's Highway Safety Office (GHSO) Grant Project-Alcohol Saturation Patrols awarded to the City of Memphis Police Department. The FY 2014 Governor's Highway Safety Office (GHSO) award from the State of Tennessee will provide funding for full time salaries and equipment.

- This is a resolution to accept grant funds from The State of Tennessee in the amount of \$400,000.00 that may include law enforcement activities aimed to decrease the number of DUI involved crashes; DUI toxicology testing training, and the establishment of youth alcohol programs designed to prevent the purchase and use of alcohol by juveniles.
- The City of Memphis Division of Police Services is awarded this grant from the State of Tennessee and serves as the fiscal agent for this award.
- This is a new sub-grant award pending Council approval.
- Acceptance will require an amendment to the FY 2014 Operating Budget to appropriate the funds.



A resolution to accept and appropriate Governor's Highway Safety Office (GHSO) – Alcohol Saturation Patrols funds from the Tennessee Department of Transportation for personnel costs and equipment.

**WHEREAS**, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Four Hundred Thousand Dollars (\$400,000.00) from the GHSO of the State of Tennessee Department of Transportation; and

**WHEREAS**, these funds will be used for personnel costs and equipment; and

**WHEREAS**, it is necessary to accept the grant funding and amend the FY 2014 Operating Budget to establish funds for the FY 2014 GHSO Grant Project – Alcohol Saturation Patrols; and

**WHEREAS**, it is necessary to appropriate Four Hundred Thousand Dollars (\$400,000.00) for the FY 2014 GHSO Grant Project – Alcohol Saturation Patrols.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the FY 2014 GHSO Grant Project – Alcohol Saturation Patrols funds in the amount of Four Hundred Thousand Dollars (\$400,000.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the FY 2014 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY 2014 GHSO Grant Project – Alcohol Saturation Patrols as follows:

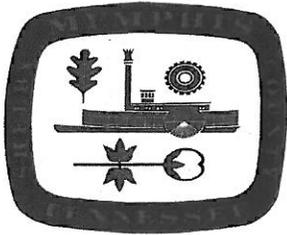
**REVENUE**

State of Tennessee – Governor's Highway Safety Office	<u>\$400,000.00</u>
Total	\$400,000.00

**EXPENDITURE**

Full-Time Salaries	\$270,000.00
Equipment	<u>\$130,000.00</u>
Total	\$400,000.00

City Council Resolution Template – 4/16/14



**RESOLUTION**

**WHEREAS**, the City of Memphis Division of Police Services has the need to transfer twenty-two thousand five hundred dollars and 00/100 (\$22,500.00) to Investigative Services from Administrative Services; and

**WHEREAS**, the funds will be used to assist with the consulting services of the sexual assault kits; and

**WHEREAS**, it is necessary to the transfer the funds and amend the Fiscal Year 2014 Operating Budget to establish funds; and

**WHEREAS**, it is necessary to appropriate the funds to Investigative Services in the amount of twenty-two thousand five hundred dollars and 00/100 (\$22,500.00) as stated in this resolution.

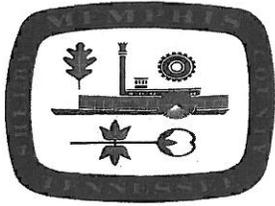
**NOW, THEREFORE, BE IT RESOLVED** that the Fiscal year 2014 Operating Budget be and is hereby amended by transferring the sum of twenty-two thousand five hundred dollars and 00/100 (\$22,500.00) to Investigative Services from Administrative Services, as follows:

**Transfer From:**

<b>Administrative Services</b>	<b>140208-52610</b>	<b>\$22,500</b>
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**Transfer To:**

<b>Investigative Services</b>	<b>140401-52502</b>	<b>\$22,500</b>
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## **Memphis City Council Summary Sheet**

- 1. Resolution seeking acceptance for Police Services to transfer \$22,500 from Administrative Services to Investigative Services for consulting services.**
- 2. Resolution will not change an existing ordinance or resolution.**
- 3. Resolution will not require a new contract or amendment to an existing contract.**
- 4. Resolution will require an expenditure of funds equal to the amount of the donation but will not require a budget amendment.**



## Memphis City Council Summary Sheet

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

This Resolution seeks approval from the Council to amend the existing Master Equipment Lease Agreement between the City of Memphis and Banc of America Public Capital Corp to add Thirty (30) Additional Red Light Camera Systems.

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

City Court Clerk.

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

No.

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

Amends the existing Master Equipment Lease Agreement between the City of Memphis and Banc of America Public Capital Corp.

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

This Resolution requires an appropriation and expenditure of funding in the amount of \$3,300,000 for the acquisition of the 30 additional red light camera systems upon approval of the City Court Clerk's FY 2015 Operating Budget. The acquisition of the cameras was requested during the FY 2014 budget hearings, subject to the contractual process for the financing and lease of the camera equipment being finalized. After thoroughly vetting financing options with numerous lenders, the administration determined it to be in the best interest of the City to amend the existing Master Lease with Banc of America to acquire the camera equipment. The

vendor agreement with American Traffic Solutions was also renegotiated and amended accordingly.

**RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF AN AMENDMENT TO THE MASTER EQUIPMENT LEASE AND RELATED LEASE DOCUMENTS BETWEEN BANC OF AMERICA PUBLIC CAPITAL CORP AND THE CITY OF MEMPHIS, TENNESSEE, REGARDING THE ACQUISITION OF THIRTY ADDITIONAL RED LIGHT CAMERA SYSTEMS**

**WHEREAS**, on June 21, 2005, the Council of the City of Memphis approved a traffic control photographic system to provide for the health, safety and welfare of the citizens of Memphis; and

**WHEREAS**, the City of Memphis (“City”) and American Traffic Solutions, Inc. (“ATS”) entered into a Professional Services Agreement dated September 10, 2009, and amended as of December 30, 2010 (the “Professional Services Agreement”), for the monitoring and enforcement of red light violations and other traffic movements; and

**WHEREAS**, the Professional Services Agreement provides for the sale and installation of a photographic system to be installed by ATS (the “Camera System”), which Camera System shall become the sole property of the City pursuant to a municipal lease; and

**WHEREAS**, the City entered into a Master Equipment Lease with Banc of America Public Capital Corp to effect the lease transaction for the initial acquisition of twenty-five (25) such Camera Systems; and

**WHEREAS**, the City desires to amend the Master Equipment Lease and other related documents (collectively, the “Lease Documents”), as deemed necessary, to include the acquisition of thirty (30) additional camera systems; and

**WHEREAS**, the thirty (30) additional Camera Systems will be leased to the City in accordance with the terms of the amended Lease Documents, which such Lease Documents are attached hereto and made a part hereof by this reference; and

**WHEREAS**, the Master Equipment Lease remains subject to termination for non-appropriation, without cause, in any year; and

**WHEREAS**, Council approval is required prior to the Mayor’s execution of the amended Lease Documents.

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

Section 1. Authorization of amended Lease Documents. The form, terms and provisions of the amended Lease Documents presented to this Council are hereby approved, and all of the terms and provisions thereof, including the annual rentals payable thereunder, are hereby incorporated herein by this reference as if the amended

Lease Documents were set out in this Resolution in its entirety. The Mayor of the City or his designee are hereby authorized, empowered and directed to execute, acknowledge and deliver the amended Lease Documents. The Lease Documents shall be in substantially the forms attached hereto and hereby approved, with such changes, insertions or omissions as may be deemed reasonably necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Resolution and as shall not be inconsistent with or contrary to such purposes. The execution of the amended Lease Documents shall constitute conclusive evidence that the lease documents and any and all changes thereto have been approved by the persons executing the amended Lease Documents.

Section 2. Appropriation. An amount equal to the total amount of payments payable by the City under the amended Lease Documents as disclosed therein shall be appropriated by the Council upon the approval of the City Court Clerk's FY 2015 Operating Budget. In the event of non-appropriation, the lease amendment shall terminate in accordance with Section 3.03 of the original Master Equipment Lease.

Section 3. Information Reporting. Any officer of the City is hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G, "Information Return for Tax-Exempt Governmental Obligations," as required by Section 149(e) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 4. Non-Arbitrage Certificate. Any officer of the City is hereby authorized to execute a non-arbitrage certificate in order to comply with Section 148 of the Code, and the applicable income tax regulations thereunder.

Section 5. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the amended Lease Documents shall be deemed to be a stipulation, obligation or agreement of any commissioner, officer, agent or employee of the City in his individual capacity.

Section 6. General Authority. From and after the execution and delivery of the documents hereinabove authorized and consented to, the Mayor of the City, his designee, and the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the execution and delivery of the amended Lease Documents and to document compliance with the Code.

Section 7. Actions Ratified, Approved and Confirmed. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Resolution and the execution, delivery and performance of the amended Lease Documents shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 8. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof.

Section 9. Repealing Clause. All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 10. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

MEMPHIS CITY COUNCIL

\_\_\_\_\_  
Jim Strickland, Chairman

ATTEST:

\_\_\_\_\_  
Comptroller



## Memphis City Council Summary Sheet

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

This is a resolution to accept and appropriate funding in the amount of Fifty-One Thousand and Nine Hundred Dollars (\$51,900.00) from the Department of State, Tennessee State Library and Archives for library books.

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

Parks and Neighborhoods – Memphis Public Library and Information Center

### 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.

This requires a new contract with the Department of State, Tennessee State Library and Archives and the City of Memphis.

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

Acceptance will require an amendment to the 2014 Operating Budget to appropriate the funds.



**A Resolution to accept grant funds in the amount of Fifty-One Thousand and Nine Hundred Dollars (\$51,900.00) from the Department of State, Tennessee State Library.**

**WHEREAS**, the City of Memphis Division of Parks and Neighborhoods, Memphis Public Library and Information Center has received grant funds in the amount of Fifty-One Thousand and Nine Hundred Dollars (\$51,900.00) from the Department of State, Tennessee State Library and Archives; and

**WHEREAS**, these funds will be used to purchase library books; and

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2014 Operating Budget to establish funds for the Books and Materials Collections Grant; and

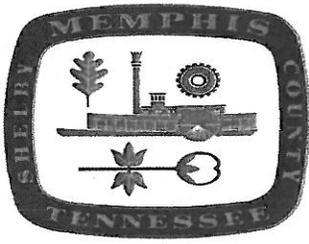
**WHEREAS**, it is necessary to appropriate the grant funds in the amount of Fifty-One Thousand and Nine Hundred Dollars (\$51,900.00) for the Books and Collections Grant.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Books and Collections Grant funds in the amount of Fifty-One Thousand and Nine Hundred Dollars (\$51,900.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2014 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Books and Collections Grant in the amount of Fifty-One Thousand and Nine Hundred Dollars (\$51,900.00) as follows:

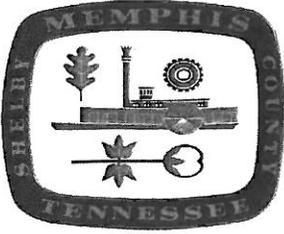
<u>Revenue</u>	
State Funds	\$45,500.00
Federal Funds	<u>\$6,400.00</u>
TOTAL	\$51,900.00

<u>Expenditures</u>	
Library Books	<u>\$51,900.00</u>
TOTAL	\$51,900.00



## Memphis City Council Summary Sheet

1. This item is a resolution seeking approval and appropriation of \$1,389,832.00 in Contract Construction for CIP Project Number PK07092 – City Park Rehab and Maintenance funded by G. O. Bonds General.
2. The initiating party is the Division of Parks and Neighborhoods.
3. This Resolution does not change any existing Ordinance or Resolution.
4. This Resolution does require a new contract between the City of Memphis and the A and B Construction Co.
5. This Resolution does require an expenditure of funds in the amount of \$1,389,832.00.



***A Resolution to appropriate funds in Contract Construction in the Park Rehab and Maintenance Project for repairs to various City parks.***

**WHEREAS**, the Council of the City of Memphis did approve Park Rehab and Maintenance CIP Project Number PK07092 as part of the Fiscal Year 2014 Capital Improvement Budget; and

**WHEREAS**, The Council of the City of Memphis did allocate in FY14 a total of \$478,600 in PK07092 for Construction funds; and

**WHEREAS**, The Council did approve the reprogramming of \$884,400 in FY14 in PK07092 for Construction funds; and

**WHEREAS**, the Administration does desire to transfer \$357,832 in FY14 CIP funding from Parks Cover Line Improvements to Park Rehab and Maintenance CIP Project, PK07092 for Construction funds; and

**WHEREAS**, the Administration did receive bids on April 11, 2014 with the best base bid of \$1,056,906.00 submitted by A and B Construction Co.; and

**WHEREAS**, the Administration desires to accept Bid Alternate Number One in the amount of \$14,835.00 to demolish decrepit pavilions located at Audubon Park and Gaisman Park; and

**WHEREAS**, the Administration desires to accept Bid Alternate Number Two in the amount of \$114,515.00 for resurfacing of the parking lot at Marion Hale Community Center and swimming pool; and

**WHEREAS**, the Administration desires to accept the Bid Alternate Number Six in the amount of \$73,551.00 for the resurfacing of the parking lot and drives at Audubon Park.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the following funds in the Construction allocation of the Park Rehab and Maintenance CIP Project Number PK07092 as follows: \$1,056,906.00 for the base bid; \$14,835 for Bid Alt. Number One; \$114,515.00 for Bid Alt. Number Two; \$73,551.00 for Bid Alt. Number Six; Construction allocation funded by G.O. Bonds General with said allocation being credited as follows:

Project Title:	Park Rehab and Maintenance
Project Number:	PK07092
Base Bid	\$1,056,906.00
Alt. Number One	\$14,835.00
Alt. Number Two	\$114,515.00
Alt. Number Six	<u>\$73,551.00</u>
Subtotal	\$1,259,807.00
Contingency	<u>\$129,025.00</u>
<b>Total Construction Cost:</b>	<b>\$1,389,832.00</b>



## Memphis City Council Summary Sheet

1. This Resolution seeks approval to transfer and appropriate funds in Contract Construction from PK07114 – Parks Cover Line to PK07092 – City Park Rehab and Maintenance.
2. The initiating party is the Division of Parks and Neighborhoods.
3. This Resolution does not change any existing Ordinance or Resolution.
4. This Resolution does not require a new contract.
5. This Resolution does require an expenditure of funds in the amount of \$442,168.00.



***A Resolution to appropriate funds in Contract Construction in the Parks Cover Line Project for repairs to various City recreational facilities and parks.***

**WHEREAS**, the Council of the City of Memphis did approve Parks Cover Line Improvements CIP Project Number PK07114 as part of the Fiscal Year 2014 Capital Improvement Budget; and

**WHEREAS**, The Council of the City of Memphis did allocate a total of \$800,000 in PK07114 for Construction funds; and

**WHEREAS**, the Administration desires to transfer and appropriate Construction funds of \$442,168 from PK07114 to PK07092, Park Rehab and Maintenance for disbursement as follows; and

**WHEREAS**, the Administration desires to appropriate \$18,000 of the total allocation award for PK07092 for work by the Public Works Division to make paving improvements at the Memphis Botanic Garden; and

**WHEREAS**, the Administration desires to appropriate \$25,000 of the total allocation award for PK07092 for work by the General Services Division for miscellaneous repairs at the Memphis Botanic Garden; and

**WHEREAS**, the Administration desires to appropriate \$25,000 for the total allocation award for PK07092 for work by the General Services Division to make miscellaneous repairs at various pool locations; and

**WHEREAS**, the Administration desires to appropriate \$39,168 of the total allocation award for PK07092 for by the General Services Division to cover expenses for replacement and repairs to HVAC units; and

**WHEREAS**, the Administration desires to appropriate \$70,000 of the total allocation award for PK07092 for automatic gates on Mud Island; and

**WHEREAS**, the Administration desires to appropriate \$50,000 of the total allocation award for PK07092 to have available for the bidding for a dog park at Mud Island Greenbelt Park; and

**WHEREAS**, the Administration desires to appropriate \$80,000 of the total allocation award for PK07092 to have available for the bidding of a new basketball court at Riverview Community Center; and

**WHEREAS**, the Administration desires to appropriate \$135,000 of the total allocation award for PK07092 to have available for the bids to provide repairs to the burned playground at the Orange Mound Community Service Center.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby transferred and appropriated the following funds in the Construction allocation of the Parks Cover Line Improvements CIP Project Number PK07114 to PK07092, Park Rehab and Maintenance as follows: \$18,000 for work by the Public Works Division to make paving improvements at the Memphis Botanic Garden; \$25,000 for work by the General Services Division for miscellaneous repairs at the Memphis Botanic Garden; \$25,000 for work by the General Services Division to make miscellaneous pool repairs at various pool locations; \$39,168 for work by the General Services Division to cover past expenses for replacement and repairs to HVAC units; \$70,000 for automatic gates on Mud Island; \$50,000 to have available for bids for a dog park at Mud Island Greenbelt Park; \$80,000 to have available for bids for a new basketball court at Riverview Community Center and \$135,000 to have available for bids to provide replacement of the burned playground and damaged site furnishings at the Orange Mound Community Service Center. Construction allocation funded by G.O. Bonds General with said allocation being credited as follows:

<b>Project Title:</b>	<b>Parks Cover Line</b>
<b>Project Number:</b>	<b>PK07114</b>
<b>Total Construction Cost:</b>	<b>\$442,168</b>

**AN ORDINANCE TO AMEND CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC – ARTICLE III OPERATION OF MOTOR VEHICLES GENERALLY. SECTION 21-123. PROCEDURE UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE TO MIRROR THE UPDATED TENN. CODE ANN § 55-8-132, OPERATION OF VEHICLES AND STREETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES TO CLARIFY THAT EXTRA CAUTION AROUND SOLID WASTE VEHICLES IS INCLUDED WITHIN THE REQUIREMENTS**

**WHEREAS**, the Memphis City Council desires to keep city ordinances updated and current to help protect the health and safety of the citizens and employees of the City of Memphis; and

**WHEREAS**, our current ordinance relative to “Procedure upon approach of authorized emergency vehicles” should be updated to reflect the similar provisions in state law, Tenn. Code Ann § 55-8-132; and

**WHEREAS**, solid waste collection employees have the fifth (5<sup>th</sup>) highest fatality rate in the United States; and the City of Memphis shall clarify in this ordinances that solid waste collection vehicles are included in the definition of a utility vehicle and that extra caution should be taken around solid waste collection vehicles.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, That the current of Chapter 21 – Motor Vehicles and Traffic – Section 21-123. Procedure Upon Approach of Authorized Emergency Vehicle, of the Code of Ordinances, City of Memphis, is hereby deleted and substituted by the following section:

**Section 21-123. Operation of vehicles and streetcars on approach of authorized emergency vehicles.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only:

(1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer; and

(2) Upon the approach of an authorized emergency vehicle, as stated above, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) Upon approaching a stationary authorized emergency vehicle, when the vehicle is giving a signal by use of flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, highway maintenance vehicle, or utility service vehicle, when the vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary recovery vehicle, highway maintenance vehicle, or utility service vehicle if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) For the purpose of this section unless the context otherwise requires:

(1) "Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is:

(A) Owned or operated by the department of transportation, a county, a municipality or other political subdivision of this state; or,

(B) Owned or operated by a contractor under contract with the department of transportation, a county, a municipality or other political subdivision of this state;

(2) "Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles; and

(3) "Utility" means any person, municipality, county, metropolitan government, electric cooperative, telephone cooperative, board, commission, district or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, **solid waste collection services**, telephone services, or any combination thereof, for sale to consumers in any particular service area.

**SECTION 2. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that this ordinance shall take effect on the later of after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Council Member

JIM STRICKLAND  
Council Chairman

Attest:

Patrice Thomas, Comptroller