

MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 17, 2005

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A regular meeting of the Board of Light, Gas and Water Commissioners, City of Memphis, was held in the Board room of the Administration Building, 220 South Main Street, Thursday, March 17, 2005 at 1:30 p.m. The following were in attendance: James L. Russell, Commissioner; V. Lynn Evans, Commissioner; Nick Clark, Commissioner; Joseph Lee, III, President and CEO; John McCullough, Vice President, CFO and Secretary-Treasurer; Max Williams, Vice President and General Counsel; Alonzo Weaver, Vice President, Customer Operations; Chris Bieber, Vice President, Engineering; and Linda Peppers, Vice President and Chief Information Officer. Due to the absence of L. R. Jalenak, Chairman, V. Lynn Evans was Acting Chairman.

Commissioner Clark moved that after personally reading and reviewing the typed minutes of the Memphis Light, Gas and Water Board meeting held March 3, 2005, that they be recorded as the official record, seconded by Commissioner Russell and unanimously carried.

The Secretary-Treasurer acknowledged receipt of certified copies of City Council Resolutions dated March 1, 2005, Item Nos. 17 through 29, approving items approved by the MLGW Board at meeting held February 17, 2005; and Item Nos. 35 and 36, approving items approved by the MLGW Board at meeting held February 3, 2005. (See Minute File No. 1266.)

Mr. Alan R. Thompson, CEO, Higher Ground Electric Company made a presentation to the Board.

Commissioner Clark stated for the record regarding Item Nos. 2 and 7, Ollar Surveying Company and Dupont Flooring Systems, Inc., respectively, he has no ownership interest with these firms, and their selection will not impact his ability to vote on the final minutes. (Complete statement is on tape in Minute File No. 1267.)

1. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 7 to Contract 10525, MLGW Gas/Water Leak Surveys, with Heath Consultants, Inc. The contract value is increased in an estimated/funded amount of \$55,000.

The project scope has changed to extend the contract not to exceed 60 days beginning May 1, 2005. The current contract expires April 30, 2005 for the fourth and final term before a new contract can be implemented. This change is necessary to give the contractor time to review and to agree to new contract language as a result of the recent audit. The new contract amount is \$2,590,188.26.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 7 to Contract No. 10525 with Heath Consultants, Inc. in an estimated/funded amount of \$55,000 as outlined in the foregoing preamble is approved; and further,

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

2. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of an Expedited Procurement Request for Change No. 5 to Contract No. 10582, Surveying Services, with Ollar Surveying Company. The contract value is increased in the funded amount of \$100,000.

The project scope has changed to extend the contract not to exceed 120 days beginning March 18, 2005, retroactive to November 1, 2004, with no increase in present contract rates. The current contract expired October 31, 2004 for the fourth and final term, but the current contractor is presently working on developing acquisition plats for an electric transmission line project that is approximately 80% complete. This extension is necessary until a new contract can be implemented. The new contract amount is \$757,610.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 5 to Contract No. 10582 with Ollar Surveying Company in the funded amount of \$100,000 as outlined in the foregoing preamble is approved; and further,

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

3. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 5 to Contract No. 10667, Right-of-Way

Mowing, with Bean & Prince Contractors, Inc. The contract value is increased in an estimated/funded amount of \$60,000.

The project scope has changed to extend the contract not to exceed 90 days beginning May 3, 2005. The current contract expires May 2, 2005 for the fourth and final term before a new contract can be implemented. This change is necessary to give the contractor time to review and to agree to new contract language as a result of the recent audit. The new contract amount is \$660,000.84.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 5 to Contract No. 10667 with Bean & Prince Contractors, Inc. in an estimated/funded amount of \$60,000 as outlined in the foregoing preamble is approved; and further,

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

4. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 6 to Contract No. 10673, Facilities Location Services, with Heath Consultants, Inc. The contract value is increased in an estimated/funded amount of \$180,000.

The project scope has changed to extend the contract not to exceed 60 days beginning June 1, 2005. The current contract expires May 31, 2005 for the fourth and final term before a new contract can be implemented. This change is necessary to give the contractor time to review and to agree to new contract language as a result of the recent audit. The new contract amount is \$5,158,488.88.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 6 to Contract No. 10673 with Heath Consultants, Inc. in an estimated/funded amount of \$180,000 as outlined in the foregoing preamble is approved; and further,

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

5. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 4 to Contract No. 10727, Systems Furniture, with Corporate Express, Inc. The contract value is increased in an estimated/funded amount of \$300,000.

The project scope has changed to extend the contract not to exceed 60 days beginning May 1, 2005. The current contract expires April 30, 2005 for the third term before a fourth and final renewal term can be implemented. This change is necessary to give the contractor time to review and to agree to new contract language as a result of the recent audit. The contract value is increased in an estimated/funded amount of \$300,000.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 4 to Contract No. 10727 with Corporate Express, Inc. in an estimated/funded amount of \$300,000 as outlined in the foregoing preamble is approved; and further,

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

6. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 11 to Contract No. 10780, Electrical Construction and Maintenance, with Allied Electrical Contractors, Inc. The contract value is increased in an estimated/funded amount of \$600,000.

The project scope has changed to extend the contract not to exceed 60 days beginning April 4, 2005. The current contract expires April 3, 2005. This change is necessary to allow the Division time to finalize the Utilization Factor to determine its cost compared to the contractor's proposal renewal rates. The new contract is \$8,417,995.54.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 11 to Contract No. 10780 with Allied Electrical Contractors, Inc. in an estimated/funded amount of \$600,000 as outlined in the foregoing preamble is approved; and further,

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

7. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 4 to Contract No. 10912, Carpet Cleaning and Maintenance, with Dupont Flooring Systems, Inc. to renew the contract for a second term covering the period May 30, 2005 to May 29, 2006, in the funded amount of \$40,866.36, and to assign the contract to Kenny Floor Covering, Inc.

The project scope is to provide management, supervision, labor, transportation, equipment, supplies and material to clean and provide carpet maintenance at the MLGW Administration Building and Netters Business Operations Center. This renewal includes no increase in rates. The new contract amount is \$122,599.08.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 4 to Contract No. 10912 with Kenny Floor Covering, Inc. in the funded amount of \$40,866.36 as outlined in the foregoing preamble is approved; and further,

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

8. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 1 to Contract No. 10947, Water Meter Assessment, with Woolpert, Inc. to change the scope to perform meter research and engineering with or without manufacturer specifications for 55 meters and mobilization costs at MLGW's water pumping stations in the funded amount of \$88,770.

The project scope has changed to add items 9 and 10, respectively, to perform meter research and engineering with manufacturer specifications at the cost of \$1,000 per meter, meter research and engineering without manufacturer specifications at the cost of \$1,500 per meter and two additional mobilizations at the cost of \$3,135 each. The new contract amount is \$279,402.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 1 to Contract No. 10947 with Woolpert, Inc. in the funded amount of \$88,770 as outlined in the foregoing preamble is approved; and further,

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

9. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners approval of Change No. 1 to Contract No. 11005, General Pest Control and Termite Treatment, with Control Pest Company of Tennessee, Inc. to renew the contract for the first term covering the period July 1, 2005 to June 30, 2006, in an estimated/funded amount of \$18,008.75.

The project scope is to provide general pest control and termite treatment at various MLGW locations in accordance with the contract documents and special request services for honeybees, birds, and snakes at the rate of \$89 per hour with four-hour minimum, and for fire ants at the rate of \$139 per call. The new contract amount is \$84,740.70.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Change No. 1 to Contract No. 11005 with Control Pest Company of Tennessee, Inc. in an estimated/funded amount of \$18,008.75 as outlined in the foregoing preamble is approved; and further,

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

10. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of 36-month blanket order for industrial fasteners. These parts are used throughout the Division to maintain all fleet (cars, trucks and heavy equipment). Order quantities are based upon previous records and projected budget proposals for the next 36 months. During the length of this order, quantities will be driven based on actual need for industrial fasteners.

Bids were opened on February 9, 2005, with the lowest and best complying bidder of five bidders being Chromate Industrial Corporation. The approximate total for all items is \$74,634.66.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Chromate Industrial Corporation is awarded contract for furnishing:

36-month blanket order for providing industrial fasteners, as released by MLGW

total award for 36 months amounts to approximately \$74,634.66; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm for the term of the contract; delivery only after released by MLGW. If a need for additional items of this group of material or design changes to existing items is identified during the period of this order, supplier will be requested to add the new items or make changes to the existing items on the order at a price agreeable to both MLGW and supplier. A copy of all unit prices to be placed on file in General Accounting.

11. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of contract for programmable feeder relays which will be used in the construction of new substations and will replace existing equipment that will be retired from service. This material is used by the crews of Electric Operations to install and/or maintain the electric substation system.

Bids were opened on February 2, 2005, with the lowest and best complying bidder of five bidders being Areva T & D c/o Stansberry & Associates in the amount of \$108,480.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Areva T & D c/o Stansberry & Associates is awarded contract for furnishing:

64 – Areva T & D Model No. P142312AM030J programmable feeder relays in accordance with MLGW Material Description at \$1,695 each

totaling \$108,480; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm; delivery in eight to ten days.

12. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of 36-month contract for flame-retardant clothing. This clothing is used to protect our employees from an accidental arc-flash while working on energized high-voltage conductors or apparatus, and meets OSHA requirements.

Bids were opened on February 16, 2005, with the lowest and best complying bidder of two bidders being Tyndale Company in the amount of \$551,987.75.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Tyndale Company is awarded contract for furnishing:

36-month systems contract for flame-retardant clothing, to be furnished in full accordance with MLGW specifications

total award for 36 months amounts to approximately \$551,987.75; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm for the life of the contract; delivery in 21 days after release of items for shipment.

13. The Manager, Procurement and Contracts submitted for consideration of the Board analysis of bids for furnishing the Division with paper-insulated, lead-covered cable which will be used in the construction and maintenance of our network and distribution systems.

Bids were opened on March 9, 2005, with the lowest and best complying bidder of three bidders being The Okonite Company in the amount of \$279,888, approximately.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, The Okonite Company is awarded contract for furnishing the Division with:

8,000 ft. – (10, 800-ft. reels of three-phase assembly with a combined total of 24,000 ft.) single-conductor 1000 KCMIL solid-type impregnated paper-insulated, lead-covered and polyethylene-jacketed cable, 25K made in accordance with MLGW Specification No. 35-5087 dated July 22, 1997, at \$34.988 per ft. of three-phase assembly

totaling \$279,888, approximately; f.o.b. Memphis, Tennessee, transportation prepaid; said price based on metals escalation; delivery in 12 – 14 weeks.

14. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of contract for 36-month supply of fluosilicic acid which will be used in the MLGW water supply as required by the State of Tennessee.

Bids were opened on February 16, 2005, with the lowest and best complying bidder of six bidders being Pencco, Inc. in the amount of \$415,350, approximately.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Pencco, Inc. is awarded contract for furnishing:

36-month supply of fluosilicic acid, to be furnished in accordance with MLGW specifications dated January 7, 2005

totaling \$415,350, approximately; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm; delivery as required.

15. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of contract for 36-month supply of sodium hypochlorite which will be used for the disinfection of MLGW's water supply as required by the State of Tennessee.

Bids were opened on February 16, 2005, with the lowest and best complying bidder of three bidders being Vertex Chemical Corporation in the amount of \$855,195, approximately.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Vertex Chemical Corporation is awarded contract for furnishing:

36-month supply of sodium hypochlorite, to be furnished in accordance with MLGW specifications dated January 7, 2005

totaling \$855,195, approximately; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm; delivery as required.

16. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners award of contract for lineman's tools. These tools are used by our electrical lineman crews when opening or closing energized switches, lifting energized jumpers and hot line clamps in order to isolate electric apparatus from energized conductors.

Bids were opened on March 2, 2005, with the lowest and best complying bidder of three bidders being Stuart C. Irby in the amount of \$62,507.16.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Stuart C. Irby is awarded contract for furnishing:

8 – items (totaling 291 units) lineman's tools in accordance with MLGW Material Description

totaling \$62,507.16; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm; delivery in four weeks.

17. The Manager, Procurement and Contracts recommended to the Board of Light, Gas and Water Commissioners awards of contracts for trucks, vans and sedans which are used to

maintain electric, gas and water systems, for meter reading, and various customer service functions. This equipment replaces existing equipment that will be retired.

Bids were opened on February 16, 2005, with the lowest and best complying bidders of eight bidders being Covington Pike Dodge for one item; Chuck Hutton Company for two items; Golden Circle Ford for nine items; and Country Ford for one item. The total for all items is \$1,300,052.49.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Subject to the consent and approval of the Council of the City of Memphis, awards of contracts are approved as follows:

Covington Pike Dodge is awarded contract for furnishing the Division with:

3 – Dodge Model No. JRDH41 Stratus SXT, latest model, four-door, mid-size sedans, all in accordance with MLGW Specification No. TS-05-0005, at \$12,196.15 each

totaling \$36,588.45; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm; delivery within 90-120 days; and further,

Chuck Hutton Company is awarded contract for furnishing the Division with:

3 – Toyota Prius four-door sedans with gasoline-electric hybrid-type power train, latest model, all in accordance with MLGW Specification No. THS-05-0007, at \$21,350 each

1 – Chevrolet Silverado No. 2500HD, latest model, full-size pickup truck with long wheelbase and bi-fuel gasoline/CNG system, all in accordance with MLGW Specification No. TPU-05-0077, at \$23,960.93 each

totaling \$88,010.93; f.o.b. Memphis, Tennessee, transportation prepaid; said prices being firm; delivery within 60-180 days; and further,

Golden Circle Ford, Lincoln, Mercury is awarded contract for furnishing the Division with:

3 – 2006 Ford Econoline E-250 Super Cargo $\frac{3}{4}$ -ton vans, all in accordance with MLGW Specification No. TVT-05-0035, at \$14,705.52 each

1 – 2005 Ford F-150 $\frac{1}{2}$ -ton, full-size pickup truck, all in accordance with MLGW Specification No. TPU-05-0065, at \$12,674.65 each

3 – 2005 Ford F-150 $\frac{1}{2}$ -ton full-size, extended-cab pickup trucks, all in accordance with MLGW Specification No. TPU-05-0078, at \$15,222.65 each

53 – 2005 Ford F-250 $\frac{3}{4}$ -ton full-size long wheelbase pickup trucks, all in accordance with MLGW Specification No. TPU-05-0085, at \$15,758.90 each

1 – 2005 Ford F-150 full-size, extended-cab four-wheel drive, short wheelbase pickup truck, all in accordance with MLGW Specification No. TPU-05-0065, at \$18,706.65 each

2 – 2005 Ford F-350 cab and chassis with 60-inch cab-to-axle dimension, all in accordance with MLGW Specification No. TCC-05-1120, at \$16,457.83 each

1 – 2005 Ford F-350 cab and chassis with 60-inch cab-to-axle dimension, all in accordance with MLGW Specification No. TCC-05-1160, at \$16,489.83 each

4 – 2005 Ford F-450 cab and chassis with 60-inch cab-to-axle dimension, all in accordance with MLGW Specification No. TCC-05-1162, at \$24,903.96 each

1 – 2005 Ford F-450 cab and chassis with 84-inch cab-to-axle dimension, all in accordance with MLGW Specification No. TCC-05-5015, at \$30,064.46 each

totaling \$1,135,473.30; f.o.b. Memphis, Tennessee, transportation prepaid, said prices being firm; delivery within 60-120 days; and further,

Country Ford, Inc. is awarded contract for furnishing the Division with:

1 – 2006 Ford F-550 crew cab and chassis 200WB with 84-inch cab-to-axle dimension with 12' enclosed body, all in accordance with MLGW Specification No. TCC-05-5021, at \$39,979.81 each

totaling \$39,979.81; f.o.b. Memphis, Tennessee, transportation prepaid, said prices being firm; delivery in approximately 60 days.

The total of all awards amounts to \$1,300,052.49.

18. The Manager, Procurement and Contracts recommended to the Board the revision of the Procurement Complaint and Appeals Process, decreasing the number of days a complaint may be filed from two weeks to five working days.

WHEREAS, this process is a provision of the Procurement Policy; and

WHEREAS, it is the intent of the Procurement Policy to clarify and formalize the Procurement and Contract Management policies of Memphis Light, Gas and Water Division; and

WHEREAS, it is believed that this resolution will serve this end and lead to greater efficiency within the Division due to the number of days required to receive the approvals of the Board of Commissioners and the City Council to award and execute contracts.

NOW, THEREFORE, BE IT RESOLVED that the following provision is hereby approved:

Procurement Complaint and Appeals Process – The appeals process outlines specific guidelines to submit and resolve procurement appeals resulting from disputes encountered at any phase of the purchasing, contract management or supplier diversity process. The complainant must submit a complaint or appeal,

in writing, to the Manager of Procurement and Contracts who also acts as the Contractor Appeals Committee Coordinator. The complaint must be received within five days of the Award Announcement or non-award incident. The complainant is notified of the Division's receipt of the appeal and provided an outline of the process. The Contractor Appeals Committee is comprised of four persons: a) An appointed member of the Board of Commissioners – appointed for a 1-year term; b) The Vice President of the affected User Area; c) A pre-selected community representative; d) The Manager of Procurement and Contracts is positioned as the coordinator and is the only non-voting member. The Manager of Procurement and Contracts determines whether the complaint is a Purchasing, Contract Management, or Supplier Diversity issue in order to determine which department representatives should be involved in the resolution. The Manager of Procurement and Contracts assigns the complaint to the appropriate department representative for research and documentation. The procurement department representative reduces the findings to writing and submits to the Manager of Procurement and Contracts. If an acceptable resolution is recommended, the Manager of Procurement and Contracts prepares a resolution document and forwards to the complainant via the United States Postal Service or electronic mail. If the resolution is not accepted by the complainant, the complainant is asked to respond to the Procurement and Contracts Manager requesting an appeal to the Contractor Appeals Committee. The Contractor Appeals Committee Coordinator will schedule a meeting of the committee. The Contractor Appeals Committee Coordinator notifies all pertinent MLGW personnel and the complainant via US or electronic mail of the hearing date and time. Procurement and Contracts staff distributes the complaint summary information to all personnel scheduled to attend the hearing except the complainant. The Contractor Appeals Committee hears and reviews the complainant's complaint in a private forum on the scheduled hearing date. Committee decisions are made based on a majority vote. The Procurement and Contract staff prepares a detailed summary of the hearing meeting minutes and/or all actions related to the subject complaint. After the hearing, the meeting minutes are forwarded by the Contractor Appeals Committee Coordinator to the Contractor Appeals Committee for review and endorsement. The Contractor Appeals Committee reviews the meeting minutes and forwards to MLGW's General Counsel. MLGW's General Counsel prepares a decision based on the contents of the Contractor Appeals Committee hearing minutes and supporting documentation. The General Counsel forwards the decision letter to the President for review and endorsement. The General Counsel forwards the decision letter to the Contractor Appeals Committee for endorsement by each committee member. An official copy of the endorsed decision letter is delivered via US mail to the complainant. The decision of the Contractor Appeals Committee is final. An original copy of the fully endorsed decision letter is filed in the Legal Department vault.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, The Procurement Policies outlined above are approved.

19. The Vice President, Construction and Maintenance presented for consideration of the Board invoice from Tennessee One Call System, Inc. in the amount of \$94,507.45 for annual membership dues for the year 2005 plus locate request tickets.

This amount is included in the 2005 Budget.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Continued participation in and payment of annual membership dues in the amount of \$94,507.45 to Tennessee One Call System, Inc. is approved; and further

THAT, The Secretary-Treasurer is authorized to have check drawn in the amount of \$94,507.45, payable to Tennessee One Call System, Inc.

20. By unanimous consent, Item No. 20, Approval of Salary S-75542, was deleted from the agenda.

21. The Manager, Electric Engineering submitted for consideration of the Board release of the following easements:

PORTION of 8-ft.-wide multi-purpose utility easement recorded under Instrument No. EW-0701 in the Register's Office of Shelby County, Tennessee across tract of land described under Instrument No. JH-8157 in the Register's Office of Shelby County, Tennessee, to Westco Development #8, L.L.C, a Tennessee limited-liability company, or its successor in title, for the sum of \$1.00. Property located on the southeast corner of New Appling Road and U.S. Highway No. 70.

A utility easement as recorded in the Register's Office of Shelby County, Tennessee in the Register's Official Record Book under Instrument No. JT-9632 across the unrecorded Final Plat, First Addition, Phase 2, Huntington Oaks Subdivision, as engineered by Doss Constructive Ideas, Inc. and dated June, 1998, to Huntington Oaks, L.L.C., or its successor in title, for the sum of \$1.00. Property located on the east side of the proposed realignment of Berryhill Road and north and south of the continuation of Huntington Oak Drive.

A utility easement as recorded in the Register's Office of Shelby County, Tennessee in the Register's Official Record Book under Instrument No. HX-2684 across the unrecorded Final Plat, First Addition, Phase I, Huntington Oaks Subdivision as engineered by Doss Constructive Ideas, Inc. and dated June, 1998, to Huntington Oaks, L.L.C., or its successor in title, for the sum of \$1.00. Property located on the north side of the continuation of Huntington Oak Drive, approximately 283.72 feet northeastwardly from the centerline of Bena Cove, as measured along the centerline of Huntington Oak Drive.

PORTION of 5-ft.-wide utility easement as recorded in the Register's Office of Shelby County, Tennessee in the Register's Official Record Book under Instrument No. BP-4222 across part of Lot 25, Green Shadows Subdivision, as recorded in Plat Book 130, Page 73 in the Register's Office of Shelby County, Tennessee, to David A. Denka and wife, Kimberly A. Denka, or their successors in title, for the sum of \$1.00. Property located on south side of Green Shadows Lane, approximately 311 feet east of the east line of Kirby Road, as measured along the centerline of Green Shadows Road.

PORTION of 3-ft.-wide utility easement as recorded in the Register's Office of Shelby County, Tennessee in the Register's Official Record Book under Instrument No. BP-4222 across part of Lot 26, Green Shadows Subdivision as recorded in Plat Book 130, Page 73 in the Register's Office of Shelby County, Tennessee, to David A. Denka and wife, Kimberly A. Denka, or their successors in title, for the sum of \$1.00. Property located on the south side of Green

Shadows Lane, approximately 411 feet east of the east line of Kirby Road, as measured along the centerline of Green Shadows Lane.

PORTION of 8-ft.-wide utility easement as recorded under Instrument No. EE-7149 in the Register's Office of Shelby County, Tennessee across tract of land recorded by No. EB-7509, to The Industrial Development Board of the City of Memphis and County of Shelby, Tennessee, a not-for-profit corporation, or its successor in title, for the sum of \$1.00. Property located on the northerly side of Hungerford Road, approximately 1,500 feet southeastwardly from the southeasterly line of S. Perkins Road, as measured along the northeasterly line of Hungerford Road.

AN 8-ft.-wide electric distribution utility easement recorded under Instrument No. H1-9222 in the Register's Office of Shelby County, Tennessee across tracts of land described under Instrument No. 02203733 in the Register's Office of Shelby County, Tennessee, to Rivertown Development, L.P., or its successor in title, for the sum of \$1.00. Property located southeast corner of Belz Boulevard and Florida Street.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, Release of easements across the above described properties is approved; and further,

THAT, The Board of Light, Gas and Water Commissioners recommends to the Mayor of the City of Memphis that appropriate release deeds be executed, releasing said easements to the current property owner for a consideration of \$1.00 each.

22. The Vice President, Construction and Maintenance submitted for consideration of the Board, W. R. No. C2H05942 to transfer capital funds in the amount of \$26,236 for the purchase of a 375 CFM portable air compressor for use by Water Operations. This equipment is currently being rented, but a purchase is more cost-effective since the equipment is needed on a full-time basis.

Funds in the amount of \$26,236 will be taken from the 2005 Budget, Item 31-6.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, W. R. No. C2H05942 in the amount of \$26,236 as outlined in the foregoing preamble is approved.

23. The Manager, Electric Engineering submitted for consideration of the Board, W.R. No. C1H06103 in the amount of \$112,099 to replace breaker 7313 at Substation No. 7.

Funds for this project will be taken from the 2005 Capital Budget, Item 7-30.

The Manager, Electric Engineering recommends to the Board that the installation of the above replacement breaker 7313 be approved.

It was moved by Commissioner Russell, seconded by Commissioner Clark and unanimously carried:

THAT, W. R. No. C1H06103 in the amount of \$112,099 is approved for the installation of replacement breaker.

24. Mr. Carl Harris, ACORN, 1000 S. Cooper Street, Memphis, TN, 38104, appeared before the Board to discuss the difference between MLGW rates for residential and commercial customers.

There being no further business presented, the meeting was adjourned.

SEE MINUTE FILE NO. 1267.

Secretary-Treasurer