



# Board of Light, Gas and Water Commissioners

220 S. Main Street  
Memphis, TN 38103  
[www.mlgw.com](http://www.mlgw.com)

## Board Meeting

~ Minutes ~

Wednesday, February 5, 2025

8:30 AM

Board Room

### CALL TO ORDER AND OPENING REMARKS:

Chairman Pohlman

The meeting was called to order at 8:30 a.m.

### PLEDGE OF ALLEGIANCE:

Chairman Pohlman

The Pledge of Allegiance was recited.

### ROLL CALL:

Rodney Cleek

Attendee Name	Title	Status	Arrived
Michael Pohlman	Chairman	Present	
Cheryl Pesce	Board Member	Present	
Carl Person	Vice Chairman	Present	
Mitch Graves	Board Member	Present	
Leon Dickson	Board Member	Absent	
James Lewellen	Advisory Board Member	Present	
John Butler	Advisory Board Member	Present	

### APPROVALS:

Chairman Pohlman

**Motion To:** Approve Minutes from the Meeting of January 22, 2025.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mitch Graves, Board Member
<b>SECONDER:</b>	Carl Person, Vice Chairman
<b>AYES:</b>	Michael Pohlman, Cheryl Pesce, Carl Person, Mitch Graves
<b>ABSENT:</b>	Leon Dickson

### CITY COUNCIL ACKNOWLEDGEMENTS & UPDATE:

Rodney Cleek

Acknowledged receipt of Certified Copies of City Council Resolutions dated January 21, 2025, Items 15 through 22, with Same Night Minutes for Item 18. (See Minute File No. 1502)

### PRESENTATIONS:

United Way Check Presentation - Ms. Ursula Madden and Jasmine Boone - Ms. Ursula Madden and Jasmine Boone appeared before the Board to present the 2024 United

Way Campaign funds to United Way Representative, Tameika Hart Wiggins. Ms. Madden stated that when she first came to MLGW last year we were at the end of our campaign, and she is happy to report that we have doubled our funds collected. Ms. Madden also recognized MLGW Employees who volunteered more than 3,400 hours in 2024. Ms. Madden stated that the 2024 Campaign was dubbed Top Gun Giving in honor of Chief McGowen and his service in the United States Military as a Pilot in the United States Navy. Ms. Madden recognized the two Coordinators of the United Way Campaign, Jasmine Boone and Alex Dean. Ms. Madden thanked all the employees that gave their time as well as their treasure, the organizers, steering committees and everybody that helped out. Ms. Madden and Ms. Boone presented Tomeka Hart Wigginton, President and CEO of United Way of the Mid-South with a check in the amount of \$703,038.88. Ms. Tomeka Hart Wigginton thanked MLGW and its employees for their support stating that with donations such as this, it allows her organization to help MLGW customers. Commissioner Pesce recognized Mrs. Tomeka Hart Wigginton as the new leader of the United Way of the Mid-South. Mrs. Tomeka Hart Wigginton has been in that role for two months.

Update from Caesar on the Aquitard Study - Dr. Brian Waldron of the University of Memphis who directs Caesar (Center for Applied Earth Science and Engineering Research) - President McGowen gave a brief overview of the Aquitard Study mentioning that the first five year study is complete and we are now beginning on the second five year study of the aquifer. President McGowen mentioned that these are studies that are being funded by Memphis Light, Gas and Water and the City of Memphis. Dr. Waldron gave an explanation of the aquifer, where our water comes from, and how it all works. Dr. Waldron discussed the breaches and how the studies that have allowed them to gather more information about the breaches. Dr. Waldron mentioned that they are beginning to see Zilpha, a type of clay, in the Memphis Aquifer. Dr. Waldron discussed how they are working with MLGW in making sure that any new wells are dropped below the Zilpha. Dr. Waldron stated that they are looking to understand how contaminants are going into the system so that they can work with the Shelby County Health Department and use private wells to locate where some of these potential plumes may be. Dr. Waldron stated that in the Aquifer Study they hope to find hidden breaches and their paleochannels, expand our water quality analyses at MLGW well fields, and improve the characterization of the entire aquifer system. Dr. Waldron stated that they are working to understand how citizens, how industry, how government, and how environmental groups understand the aquifer system so that we can understand their perceptions. Dr. Waldron stated that then we would be able to take that information and along with the study's data and results and provide a custom feedback. Dr. Waldron stated that they are now a year and a half into this second study and some of the things they will be doing is monitoring the water degradation, public outreach mapping the subsurface, looking at chemistry, the water age, dating it, modeling and the like. Dr. Waldron stated that they have more students coming on and as they do they will be able to increase the number of projects.

Chairman Butler asked if they ever published any information to the public and to the farmers. Dr. Waldron responded stating that they do provide some information to the public.

Chairman Graves if there is anything that can be done to fix those breaches. Dr. Waldron responded.

President McGowen asked Dr. Waldron to talk about how fast our water moves and how much water we use compared to other areas. Dr. Waldron provided that information.

Volunteers in Power Awards - Beverly Perkins with Corporate Communications presented the 2024 MLGW Volunteers in Power Awards. Ms. Perkins recognized the United Way Steering Committee and Alexandria Dean who is one of our United Way Co-Chairs. Ms. Perkins stated that she wanted to recognize them as the check that was presented this morning to United Way was a representation of the hard work that they did, so she wanted to take the time to recognize them. Ms. Perkins also recognize Josh Davis and Ryan Groves for all their hard work in putting together the United Way Golf Tournament. Ms. Perkins presented Josh Davis and Ryan Groves with an award for the over \$40,000.00 they raised for United Way through the Golf Tournament. Ms. Perkins discussed the many ways that MLGW Employees give back to the community. Ms. Perkins recognized Jasmine Boone with the Effort Award, Felicia Hall with the Early Bird Award, Josh Davis with the Glue Award, Joan Brown with the Go-getter Award, Anita Harris Hayes with the Service Award, Jennifer Reed with the Volunteer Leader of the Year and Anthony Harris with the Volunteer of the Year. Ms. Perkins thanked all of our volunteers, Ursula Madden, Tamara Nolen, and all of the Corporate Communications Team for all of their hard work.

**GENERAL STATEMENT(S) FROM THE PUBLIC:**

Chairman Pohlman read into record the rules, policies and procedures for the public to address the Board at MLGW Board Meetings.

Dennis Lynch - 347 N. McLean - Mr. Lynch stated that he is a member of the Sierra Club but he is speaking on his own behalf this morning. Mr. Lynch stated that we have all seen as reported by the Daily Memphian that xAI has been slow paying their utility bills for months. Mr. Lynch also spoke of the profitability of the AI industry is not really as profitable as we thought. Mr. Lynch thinks we should be more careful about what we do for xAI as they might not be as profitable as we believed. Mr. Lynch spoke of a Chinese Company named Deep Seek that is producing the same AI results as xAI as one-tenth the cost and one-tenth the energy. Mr. Lynch stated that we should insist xAI find a way to do their business using less energy. Mr. Lynch mentioned a presentation at the City Council yesterday about selling some land to build a waste water treatment plant. Mr. Lynch stated that while they support the wastewater treatment plant, they have reservations about selling land to someone and allowing someone else to have control over any part of our water system.

Elvira Taylor - 9240 E. Holmes Road - Ms. Taylor stated that she is one of the contractors for the Share The Pennies Weatherization Program. Ms. Taylor stated that she has been a contractor with MLGW for seven years. Ms. Taylor stated that she has had a great experience and they work hard to provide quality service to customers. Ms. Taylors spoke of how they are concerned about them being a citizen and a customer.

Ms. Taylor spoke of the great things that MLGW is doing for the customers. Ms. Taylor stated that you are not just pouring back into the community by the customers, but also to the contractors and workers of the community. Ms. Taylor asked that they continue the Share the Pennies Program.

Kelvin Jenkins - 1517 Jackson Avenue - Mr. Jenkins stated that he is a Contractor for MLGW for the Share the Pennies Program. Mr. Jenkins shared with the Board the many ways he has personally seen how the Share the Pennies Program has benefited people in our community. Mr. Jenkins described situations of people that were in dyer need of assistance and how the program blesses people. Mr. Jenkins talked about hearing from the citizens after work had been completed and what a difference it made on their utility bill and how that touched him. Mr. Jenkins described how much good this program is doing in the community. Mr. Jenkins thanked the Board for the program and continuing the work.

Corey Hester - 4000 Clearpool Circle Road - Business Manager for IBEW Local, 1288 Union - Mr. Hester appeared before the Board objecting to the approval of Item #9 of the Consent Agenda. Mr. Hester stated that approving this matter is a clear violation of Article 18 of the Memorandum of Understanding in which Memphis Light, Gas and Water is to provide the Union with a Cost Savings and justification for the contract. Mr. Hester stated that it appears that MLGW wants to extend the scope of work and the funding about. Mr. Hester requested that the Board not approve this contract until management has given the IBEW the cost comparison and the justification for not only raising the funding amount but also changing the scope of work because the work that is being done is bargaining unit work. Mr. Hester stated that it has been a minute since he met with President McGowen. Mr. Hester stated that he wants a good relationship and both sides must be willing to communicate. Mr. Hester stated that he is not in agreeable with contracting this work out.

Glenda Hicks - 608 Gilleas - Co-Founder of 21st Century Memphis of Bust - Ms. Hicks stated that this is the third year their organization has been in existence and they are advocates for the community and for the ratepayers of Memphis Light, Gas and Water for improvements. Ms. Hicks mentioned the multiple times she has appeared before the Board regarding customers will billing issues. Ms. Hicks is requesting an independent forensic audit of all accounts that were impacted by the delayed billing fiasco. Ms. Hicks mentioned several customers that she had recently met with that are still having issues with their billing. Ms. Hicks also stated that she supported Corey Hester in requesting that the Board not approve Item #9 on the Consent Agenda. Ms. Hicks stated that MLGW Employees are having to go back behind these Contractors to fix the work they are doing. Ms. Hicks also stated that we need to keep these dollars in Memphis and hire people from Memphis to complete this work.

Pamela Moses - 2383 Jackson Avenue - Ms. Moses stated that she is putting us all on a cut-off notice. Ms. Moses mentioned that when residents can't pay their bills they are cut-off, but mentioned rich people such as Elon Musk are not treated the same. Ms. Moses stated that Memphis does not need Elon Musk, Mr. Musk needs Memphis. Ms. Moses mentioned recent TVA rate hikes. Ms. Moses stated that MLGW is resident owned, and that you can't have Memphis without Memphis Light, Gas and Water. Ms. Moses stated that Memphis is not for sale. Ms. Moses also stated that she did not

appreciate her card being put last because she knew when she came in. Ms. Moses called for transparency in 2025 and for people's voices to be heard. Ms. Moses spoke of the importance of our water and protecting that.

Dr. Ray Bauer - 755 University Street - Co-Founder of Volunteer Advocacy Group 21st Century of Memphis or Bust - Dr. Bauer appeared before the Board regarding Item #9 adding an additional funds and for technicians, staff and maybe some more smart meters. Dr. Bauer stated that she asked in December of 2023 if there was a line in the sand, that once an amount was spent that MLGW would say smart meters are not reliable, or they are more money than they are worth. Dr. Bauer stated that according to the Daily Memphian, MLGW exceeded the one billion dollar mark on water meters last year, yet there continues to be pricey agenda items like Item #9. Dr. Bauer asked if we are recuperating the cost of any of these warranties via the 3 year warranty or a lawsuit. Dr. Bauer also mentioned the extra work this is causing MLGW employees.

**Review Consent Agenda – President Doug McGowen**

The original of the resolutions and documents relating to each item is filed in the vault of the fifth floor of the MLGW Administration Building, 220 South Main. The original documents shall control in the event of any conflict between the description and these minutes and the original documents.

(President’s Briefing Continued on Page 19)

**CONSENT AGENDA**

(Items 1 through 9)

**Motion To:** Motion to delete Item #9 from the Consent Agenda.

Commissioner Person made a Motion to delete Item #9 from the Consent Agenda. Commissioner Pesce seconded his motion. Since it was a tie vote the Motion was defeated and Item #9 remained on the Consent Agenda. After hearing Corey Hester, Business Manager for the IBEW speak during the public comments, Commissioner Person believed that the Union should be provided additional information before Item #9 was voted on. President McGowen reported that this was an emergency contract and that no work was being taken away from Employees.

<b>RESULT:</b>	<b>DEFEATED [2 TO 2]</b>
<b>MOVER:</b>	Carl Person, Vice Chairman
<b>SECONDER:</b>	Cheryl Pesce, Board Member
<b>AYES:</b>	Cheryl Pesce, Carl Person
<b>NAYS:</b>	Michael Pohlman, Mitch Graves
<b>ABSENT:</b>	Leon Dickson

Advisory Board Member Lewellen supports the removal of Item #9 if it does not cause any harm.

Advisory Board Member Butler does not support removing Item #9 from the Consent Agenda

**Motion To:** Approve Consent Agenda Items 1 through 9.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Cheryl Pesce, Board Member
<b>SECONDER:</b>	Mitch Graves, Board Member
<b>AYES:</b>	Michael Pohlman, Cheryl Pesce, Carl Person, Mitch Graves
<b>ABSENT:</b>	Leon Dickson

Advisory Board Member Lewellen - Concurred

Advisory Board Member Butler - Concurred

President McGowen addressed concerns regarding Item #9. President McGowen stated this was an emergency contract and temporary work. President McGowen did mention that we are in negotiations with Honeywell.

Frank Fletcher, Manager of Metering Services responded regarding failure rate.

Commissioner Pesce mentioned that several months ago we were supposed to get a presentation from Honeywell that never happened. President McGowen and Frank Fletcher responded. Commissioner Pesce also mentioned the Warranty. Frank Fletcher responded.

Commissioner Person asked what was the communication to the Union regarding the UAB Contract. President McGowen responded. President McGowen responded that this was an emergency contract that is being extended. Commissioner Person also confirmed that this does not impede on any of our MLGW Employees. President McGowen responded.

1. Resolution approving Change No. 3 to Contract No. 12288, Gas Matrix Utility Landscaping with Enlightenment, Inc. dba APS Facility Maintenance, to ratify and renew the current contract in the funded amount of \$410,401.44. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
2. Resolution approving Change No. 2 to Contract No. 12366, Large Directional Drilling with Memphis Road Boring Co., Incorporated to ratify and renew the current contract in the funded amount of \$2,509,000.00. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
3. Resolution approving Change No. 2 to Contract No. 12315, New Canada Road 24" Main with Ensco, LLC to ratify and extend the current contract value in the funded amount of \$500,332.97. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
4. Resolution awarding Contract No. 12493, South Campus Collecting Main to W&T Contracting Corporation in the funded amount of \$573,728.00. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)

5. Resolution approving Change No. 5 to Contract No. 12355 (formerly C2358), DocuSign with DocuSign, Incorporated to ratify and renew the current contract in the funded amount of \$165,641.45. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
6. Resolution approving the ratification of Purchase Order Number 7063119 to Altec Industries Incorporated for a nine-ton digger derrick truck in the amount of \$257,891.00. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
7. Resolution approving Change No. 3 to Contract No. 12298, Janitorial Services to Mason's Professional Cleaning Services, LLC to ratify and renew the current contract in the funded amount of \$360,484.38. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
8. Resolution approving Change No. 3 to Contract No. 12339, Janitorial Services to Mason's Professional Cleaning Services, LLC to renew the current contract in the funded amount of \$1,370,375.20. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL)
9. Resolution approving Change No. 1 to Contract No. 12474, UPA Emergency Meter Repair to Utility Partners of America, LLC (UPA) to ratify, extend, and change the project scope in the funded not-to-exceed amount of \$13,799,450.80. (Randy Orsby) (REQUIRES CITY COUNCIL APPROVAL) (SAME DAY MINUTES REQUESTED)

### **PRESIDENT'S BRIEFING**

#### **Way Forward Wrap Up & r2I Presentation**

President McGowen presented the Way Forward Wrap Up Presentation. President McGowen discussed the plan to continuously update infrastructure. President McGowen presented information and data with all the progression that was made with the Way Forward Plan. President McGowen provided information on tree trimming progress, replacing electric infrastructure, gas infrastructure improvements, and water infrastructure improvements. President McGowen stated that we delivered on what we promised to do.

President McGowen announced in an effort to continue that work going forward, we are starting r2I Renewal and Replacement of Infrastructure. President McGowen stated that this is a new way of doing business which will build upon the groundwork of the MLGW Way Forward Plan and continue to improve on our reliability and make sure that our reliability doesn't get too old so that we don't get back in the same situation. President McGowen provided a comparison of the targets established in the Way Forward Plan and the R2I Plan. President McGowen provided detailed information on plans for Grid Modernization, electric capacity growth, gas infrastructure replacements, and water infrastructure replacements. President McGowen stated that we will continue to have a score card as we have in the past with updates to the Board and the community.

Commissioner Pesce asked how the freeze of Federal Funding by President Trump impact us. President McGowen responded.

#### **Other - Doug McGowen**

President McGowen stated that he appreciates the individuals that come down and express their concerns. President McGowen previously addressed most of those comments and/or concerns. President McGowen mentioned that he was pleased with the work on the Aquifer Study. President McGowen stated that he does understand there are some concerns with the xAI project. President McGowen reported that it was contemplated at the City Council Meeting yesterday to purchase of land for what is called the Colossus Water Recycle Plant. President MCGowen stated that we are interested in that as we share the desire to stop withdrawing as much water for industrial purposes and keep that for drinking water purposes. President McGowen discussed the impacts this would have on our revenue. President McGowen stated that we are not an investor in the waste water treatment plant but we are certainly an interested party because that will impact our revenue, but that is the right thing to do as a public utility. President McGowen also mention xAI as a company will continue to be treated like every other customer, large and small, when it comes to their electric bill. President McGowen reported that over 40% of our customers do not pay on time. President MCGowen stated that if xAI does not pay by certain deadline, they will be cut-off just like every other customer. President McGowen also stated that they have also paid late fees just like every other customer.

President McGowen also thanked the two individuals that came down to share their experiences regarding the Share the Pennies Programs. President McGowen stated that the program certainly has benefited many people in our community. President McGowen reported the he and Timothy Davis have been looking into ways to expand the program.

Commissioner Graves asked questions regarding how late fees are calculated. President McGowen and Rod Cleek, CFO, responded.

Commissioner Person asked if we are back on track with xAI. President McGowen responded and stated that they are current as the last billing cycle.

Chairman Pohlman asked for an update regarding lead in the home that we had done work in through the Share the Pennies Program. President McGowen responded.

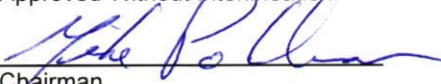
#### **COMMITTEE REPORTS:**

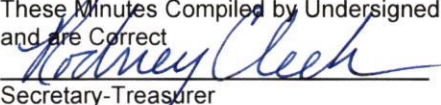
(None)



**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:35 a.m. (See Minute File No. 1503)

Approved Without Interlineation  
  
Chairman

These Minutes Compiled by Undersigned  
and are Correct  
  
Secretary-Treasurer