

## **BOARD OF MAYOR AND ALDERMEN**

November 26, 2012

A regular meeting of the Board of Mayor and Aldermen was held on November 26, 2012 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, Greg Marcom, Mike Palazzolo and Ernest Chism. Alderman John Drinnon was absent. Staff present: Patrick Lawton, George Brogdon, Kristen Geiger, Andy Pouncey, Ralph Gabb, Deputy Chief Rodney Bright, Chief John Selberg, Butch Eder, Michael Stoll, Tim Gwaltney, Jonathan Smith, Paul Chandler, Lisa Piefer, Pam Beasley, Phil Rogers, Reynold Douglas, Susan Hopson, Tony Fischer and Dotty Johnson.

Alderman Chism was not present during the first part of the meeting.

### **Call to Order**

Mayor Sharon Goldsworthy called the meeting to order at 6:00 p.m.

### **Invocation**

Finance and General Services Director Kristen Geiger gave the invocation.

### **Pledge of Allegiance**

Alderman Mark Billingsley led the Pledge of Allegiance.

### **Approval of Agenda**

During the executive session, the Board had agreed to move number 16d, Recognition of Donation – Natatorium Scoreboard Donation, from the consent agenda to 7b on the regular agenda.

They also agreed to move number 11, Change Order – Professional Services Agreement – South Germantown Road Utility Relocation Design; number 13, Germantown Road South Traffic Signals; and number 14, Poplar/Forest Hill – Close Out, to the consent agenda.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve the agenda as amended.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

### **Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to approve the minutes of the Board of Mayor and Aldermen meeting held November 12, 2012 as written.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–absent. Motion approved.

### **Citizens to be Heard**

No citizens came forward to speak.

Alderman Chism entered the chambers.

### **Beautification Business Award**

Alderman Palazzolo came forward to recognize St. George’s Independent School – Germantown Campus as the recipient of the November Beautification Commission Award.

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Mrs. Jacque Clift and Sylvia Poll from the Beautification Commission came forward for the presentation. The award was received by Jay Philpot and members of their Board of Trustees representing the School.

### **Recognition of Donation – Natatorium Scoreboard Donation**

Athletic Club Director Phil Rogers explained that the Germantown Swim Team Parent Board had worked to research and secure funding for a replacement natatorium scoreboard. The previous natatorium scoreboard was in need of constant repair and upkeep and had proven unreliable during the hosting of swim meets held by the City. The Parent Board secured funding in the amount of \$12,858.00 for the purchase and installation of a new natatorium scoreboard for the Germantown Athletic Club. Mr. Doug Geyer, president of the Parent Board, was present.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to recognize and accept a donation to the Germantown Athletic Club totaling \$12,858.00

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

### **Public Hearing – Ordinance 2012-15 – Permeable Parking Requirements within Smart Growth Districts – Second Reading**

Economic and Community Development Director Andy Pouncey stated the Smart Code and Smart Growth districts were adopted in 2007 and one of the provisions of the parking regulations was a requirement that all surface parking spaces in excess of the minimum required number be constructed with permeable paving material. However, local soil characteristics are not generally conducive to the subsurface drainage requirements of permeable pavement. The proposed amendment would delete the requirement for parking spaces that exceed the minimum number to be constructed with permeable material. The amendment affects those properties and developments within the T-3, T-4 and T-5 districts.

The removal of the requirement will simplify the redevelopment process and remove the necessity of either requesting and justifying a warrant or constructing parking spaces that may not perform as the ordinance intended.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was closed.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to approve Ordinance 2012-15, which will delete the requirement for permeable parking in the Smart Growth districts, on second reading.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

### **Janitorial Cleaning Services Agreement**

Finance & General Services Director Kristen Geiger stated that after a RFP for custodial cleaning services was developed for City facilities that either had heavy cleaning needs and/or had irregular cleaning schedules. All these special facilities have unique cleaning requirements.

In keeping with managed competition, the City's Facilities Services Division submitted proposals as part of the RFP. In addition, two other contractors submitted.

The Pickering Center, Germantown Community Library, the Germantown Regional History & Genealogy Center, the Park restrooms, concession stands and pavilions and the Tennis Pro Shop will receive janitorial services from in-house facility services staff. The Germantown Athletic Club is developing a stacking plan to enable their in-house staff to provide janitorial services. The Great Hall and Fire Station 4 will receive janitorial services through a contract with ABM Janitorial Services.

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Alderman Billingsley questioned the RFP regarding the requirement for the bidders to have an existing relationship with municipalities.

Purchasing Officer Lisa Piefer stated this was the references form and it was simply a form for the City to gather information for other references and was not necessarily a requirement. The biggest requirements were in the proposal format for bidders and qualifications questionnaire and it was to protect the city in making sure they had our bid bond requirements.

A discussion followed on the requirements that were submitted and the experience of the contractors.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize the Mayor to enter into a two (2) year contract with three (3) optional extension years with ABM Janitorial Services to provide custodial cleaning services for the Great Hall & Conference Center in the amount of \$27,230.94 for FY13; to authorize the Mayor to enter into a two (2) year contract with (3) optional extension years with ABM Janitorial Services to provide custodial cleaning services for the Fire Station No. 4 Training Area in the amount of \$2,778.96 for FY13; and to reject all proposals for the Germantown Athletic Club.

Alderman Billingsley asked what happens to the Germantown Athletic Club in reality, if the Board rejects the bid.

Ms. Geiger responded that the contract would remain status quo with in-house staff cleaning with the current level of service.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–abstain, Chism–yes. Motion approved.

### **Amendment to CE&I Contract for Wolf River Blvd.**

City Engineer Tim Gwaltney stated this item would add \$66,550.00 to the existing Wolf River Blvd (WRB) Construction Engineering and Inspection (CEI) Contract with Smith Seckman and Reid (SSR). The amendment would include design services related to the Greenway Phase VI (the portion of the Greenway system that is parallel to the currently under construction Wolf River Blvd. project). The team of SSR and Fisher & Arnold (F&A) is currently under contract providing CEI services for Wolf River Blvd. In response to a Request for Qualifications (RFQ) that the City ran in September, the team of SSR, F&A and DTD Studios (the conceptual Greenway Phase VI plans designers), were unanimously chosen by the City's selection committee to complete the design for Greenway Phase VI. Approval of this item will add design services in the amount of \$66,550.00 to the existing WRB CEI contract.

Motion by Mr. Marcom, seconded by Mr. Palazzolo, to authorize a \$66,550.00 supplement to the existing Construction Engineering and Inspection contract with Smith, Seckman and Reid for Greenway Phase VI/Wolf River Boulevard, increasing the contract from \$3,092,611.55 to \$3,159,161.50 and to approve Budget Adjustment No. 33-13.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

Mayor Goldsworthy thanked staff for pursuing the use of those funds for this project.

### **Fleet Services Maintenance Facility – Construction Contract**

CIP Manager Butch Eder stated the Germantown Fleet Services Maintenance Facility was constructed in 1982 within the Public Services Complex. The existing facility is obsolete and cannot accommodate some of the City's larger apparatus efficiently. Also, the age and location of the facility makes it very difficult to maintain compliance with OSHA and Environmental Regulations.

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The original contract was for \$1,200,000.00 for an 11,000 sq. ft. facility. During the design phase, the size of the facility increased to 11,935 sq. ft. which necessitated a redesign of the office area and a change of the roof structure system to a truss system. The combined design and redesign of the project brings the revised budgeted amount to \$1,627,000.00.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to authorize the Mayor to enter into a contract with ViktorHall Construction, LLC in the amount of \$1,537,950.00 for the construction of a new Fleet Services Maintenance Facility at 7726 Southern Avenue and approve Budget Adjustment Number 13-36.

ROLL CALL: Marcom–yes, Palazzolo-yes, Billingsley-yes, Chism-yes. Motion approved.

**Renewal of Stop Loss**

City Administrator Patrick Lawton stated that the Medical Stop Loss insurance provides the City with a layer of protection in case health insurance claims reach a certain threshold. That threshold for the City is \$115,000.00 per employee. The City’s insurance broker, Mr. Ed Barnett, sought proposals from qualified stop-loss insurance carriers to provide this coverage for the City. It is the recommendation of staff and the City’s insurance agent (The Barnett Group) to move the stop loss from the existing carrier, ReliaStar to Sun Life. The stop loss would remain at \$115,000.00 deductible for 2013 with essentially a flat renewal rate (0.05%) increase. The annual maximum reimbursement will cover up to \$1,885,000.00 per employee.

Motion by Mr. Palazzolo, seconded by Mr. Marcom, to authorize the Mayor to enter into a contract with Sun Life in the amount of \$1,215,328.00 for stop loss insurance coverage.

ROLL CALL: Marcom–yes, Palazzolo-yes, Billingsley-abstain, Chism-yes. Motion approved.

**CONSENT**

Alderman Palazzolo stated he would recuse himself from voting on items 16c – Recognition of Donations – Education Commission Battle of the Brains Competition and item 16 f – Arthur/Riggs Road Improvement.

**MLG&W Utility Service Agreement – Fleet Services Maintenance Facility**

The Utility Service Agreement with MLG&W to provide service to the new Fleet Services Maintenance Facility will cost \$29,009.26. Memphis Light, Gas and Water (MLG&W) requires the City to enter into access agreements authorizing them to install electric and gas service on City property. They also require the execution of both gas and electric refund agreements. These refund agreements benefit the City because depending on the amount of gas or electricity used there is a possibility that MLG&W will refund in whole or part of the payments.

MOTION: To authorize the Mayor to enter into a Utility Service Agreement with Memphis Light, Gas & Water to provide electrical and gas service to the new Fleet Services Maintenance Facility at 7726 Southern Avenue in the amount of \$29,009.26 and to execute associated access and refund agreements.

**Public Education & Governmental Funds**

Comcast and AT&T were granted rights within the City to provide cable service to the citizens of the City. As part of the franchise agreement, Comcast and AT&T are required to pay a PEG access support fee to the City and in turn, the City remits the funds to a designated PEG station. The amount of disbursement to the Germantown Community Television Foundation for this quarter is \$61,609.94.

MOTION: To approve the transfer of funds in the amount of \$61,609.94 which was received from Comcast and AT&T to the designated PEG station Germantown Community Television Foundation and approve Budget Adjustment Number 13-31.

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**Recognition of Donation – Germantown Education Foundation – Battle of the Brains**

Mr. Dino Palazzolo has donated \$300.00 and the English Meadows Neighborhood Association has donated \$500.00 to the Education Commission “Battle of the Brains” competition.

MOTION: To accept donations to the Germantown Education Commission totaling \$800.00 and approve Budget Adjustment Number 13-34.

**Professional Services Agreement – Blue Grass Lift Station Refurbishment**

This is a professional services agreement with Allen & Hoshall in the amount of \$13,000.00. This project will include a total replacement of the underground pump chamber with submersible pumps in the existing wet well and installation of a permanent on-site generator that will provide emergency electricity to Blue Grass and Riverdale Lift stations.

MOTION: To authorize the Mayor to enter into a professional services agreement with Allen & Hoshall in the amount of \$13,000.00 for engineering and design services for the Blue Grass Lift Station Rehabilitation and Riverdale Lift Station Electrical Improvements.

**Arthur/Riggs Road Construction Change Order No 1 and Close Out**

During construction of this project, it was determined that a change order was needed to replace the 36” concrete drainage pipe under Arthur Road. The cost for this removal/replacement was \$7,300.00. In addition, there was \$10,275.00 of fence construction and additional landscaping; however, cost savings within the project reduced the amount needed for a change order to \$6,989.00, thereby increasing the contract amount with B & C Construction Company Inc. from \$370,212.00 to \$377,201.00.

MOTION: To approve Change Order 1 for the Arthur/Riggs Road Improvement Project, increasing the contract amount by \$6,989.00 from \$370,212.00 to \$377,201.00 and to approve Budget Adjustment Number 13-37.

**Change Order – Professional Services Agreement – South Germantown Road Utility Relocation Design**

In 2007, Allen & Hoshall was selected by the City to identify all the necessary water and sewer infrastructure relocation requirements in conjunction with the state roadway design plans for South Germantown Road improvements. Although the final product was submitted on time and within budget, additional work was required in relationship with TDOT’s change in their submittal format. Allen & Hoshall modified the PDF files to meet the new requirements for the Sewer Relocation Estimate and the Water Relocation Estimate at an additional expense of \$9,472.27. This is 100% reimbursable once the change order is approved and the proof of payment is made to the State.

MOTION: To authorize the Mayor to enter into a professional services agreement change order with Allen & Hoshall in the amount of \$9,472.27 for engineering and design services for the relocation of the water and sewer infrastructure in conjunction with the Tennessee Department of Transportation South Germantown Road Improvements.

**Germantown Road South Traffic Signals**

TDOT plans to improve Germantown Road South by widening the existing 2-lane rural roadway between Crestridge Drive and Stout Road to a 4-lane urban cross section with median divided roadway, a new traffic signal at Crestridge and modifications to the existing signal at Stout and the addition of bike lanes.

The City requested TDOT to include the City’s decorative black mast arm signal poles in lieu of TDOT’s standard stainless steel poles. TDOT honored this request with the understanding that the City is responsible for the cost difference. The upgraded traffic signal equipment will cost the City \$15,748.75.

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MOTION: To authorize payment to TDOT in the amount of \$15,748.75 to cover the City's responsibility related to traffic signal equipment upgrades for the Germantown Road South Widening project from Crestridge to Stout.

**Poplar/Forest Hill – Close Out**

During the construction of the medians at Poplar Ave. and Forest Hill-Irene Road, several bid items either required additional quantities or a reduction in quantities occurred. These under and over runs are typical with construction projects. The change order request has a net increase of \$4,699.58.

MOTION: To approve Change Order Number 1 for the signalization of Poplar Avenue and Forest Hill-Irene Road increasing the contract amount with Shelby Electric, Inc. by \$4,700.00 from \$222,845.70 to \$227,545.70 and to approve Budget Adjustment Number 13-35.

Motion by Mr. Chism, seconded by Mr. Marcom, to approve the consent agenda as stated.

ROLL CALL: Marcom–yes, Palazzolo–yes, Billingsley–yes, Chism–yes. Motion approved.

**ADJOURNMENT**

There being no further business to be brought before the Board, the meeting was adjourned.

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Sharon Goldsworthy, Mayor

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Dotty Johnson, City Clerk/Recorder