



CITY OF GERMANTOWN

TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901)757-7200 Fax (901)757-7292 www.germantown-tn.gov

Board of Mayor and Aldermen Meeting

Monday, April 14, 2014 – 6:00 p.m.

Council Chambers – Municipal Building

1. Call To Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
6. Teacher of the Month Award
7. Youth Excellence Award
8. Citizens to be Heard

BEER BOARD

9. Temporary Beer Permit – Germantown Festival

BOARD OF MAYOR AND ALDERMEN

10. Public Hearing - Ord. 2014-6 – Closure of Portion of McVay Road, north of North Street – Third and Final Reading
11. Public Hearing - Ord. 2014- 7 - Amendment s to Regulations on Permanent Signs – Third and Final Reading
12. Ord. 2014-4 – Western Gateway – Third and Final Reading
13. Award of Construction Contract for Laterals D & E
14. Street Repair Contract for Enclave Green Lane East
15. Professional Services Agreement Invoice Closeouts for Shady Creek Spillway Repair
16. Professional Services Agreement Poplar Pike Drainage Improvements
17. Wolf River Boulevard Mill & Overlay – Professional Services Agreement
18. Tennis Professional Services Agreement
19. File Server Upgrade
20. **CONSENT**
 - a. Greenbelt and Poplar Estates Walking Trail Paving
 - b. Post and Rail Fencing - Repair and Installation
 - c. Memorandum of Understanding – Family Safety Center

The City of Germantown complies with the American with Disabilities Act. Should you need accommodations for this meeting, please call 757-7200 at least 48 hours in advance of the meeting.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014
FROM: Patrick J. Lawton, City Administrator
SUBJECT: SET AGENDA

INTRODUCTION:

The Agenda must be set before the meeting. The Board must agree on the contents of the agenda and make changes to the agenda before the meeting begins.

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve the agenda (as amended).

BOARD ACTION: MOTION BY: SECONDED BY: _____

| VOTE/TOTAL | MARCOM | DRINNON | PALAZZOLO | OWENS | JANDA | GOLDSWORTHY |
|------------|---------|---------|-----------|---------|---------|-------------|
| YES | Yes | Yes | Yes | Yes | Yes | Yes |
| NO | No | No | No | No | No | No |
| ABSTAIN | Abstain | Abstain | Abstain | Abstain | Abstain | Abstain |



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014
FROM: Patrick J. Lawton, City Administrator *PL*
SUBJECT: Approval of Minutes

INTRODUCTION:

The purpose of this agenda item is to approve the minutes of the Board of Mayor and Aldermen Meeting held March 10, 2014 and Special Called Meeting held on April 2, 2014..

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To approve the minutes of the Board of Mayor and Aldermen Meeting held March 24, 2014 and Special Called meeting held April 2, 2014.

BOARD ACTION: _____ **MOTION BY:** _____ **SECONDED BY:** _____

| VOTE/TOTAL | MARCOM | DRINNON | PALAZZOLO | OWENS | JANDA | GOLDSWORTHY |
|------------|---------|---------|-----------|---------|---------|-------------|
| YES | Yes | Yes | Yes | Yes | Yes | Yes |
| NO | No | No | No | No | No | No |
| ABSTAIN | Abstain | Abstain | Abstain | Abstain | Abstain | Abstain |



Agenda No. 6

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PSV*

SUBJECT: March 2014 Teacher of the Month

The March 2014 Teacher of the Month is Mrs. Tracy Tickle, a second grade teacher at Riverdale School.

Mrs. Tickle has been making a difference at Riverdale School for 14 years. Her impact on students is best described by Thomas Lee, a student from her 2012-2013 class: "When I was in Mrs. Tickle's class last year she really understood my way of learning. She was the first teacher I had that made math interesting. I will never forget her awesome math games."

Mrs. Tickle is well-known at Riverdale as a role model for other teachers. She is a teacher who sees the potential in every child and is committed to encouraging each of them to do their best. Parents appreciate her commitment to building the child's self esteem and teaching character, social skills and goal setting.

In addition to being an outstanding classroom teacher, Mrs. Tickle serves as the school's Art Club sponsor and is a member of the Riverdale Budget Committee and the Principal's Advisory Committee. She is currently mentoring a student teacher from the University of Memphis. As a Junior League of Memphis member, she has served on the adopt-a-school committee, volunteered at various races and the Pink Palace Crafts Fair and worked with children at St. Jude.

Mrs. Tickle, please accept our appreciation for your commitment to Germantown students. Your award is sponsored by Wolfchase Toyota.

PREPARED BY: Stacey Ewell

Stacey Ewell, Assistant to the City Administrator



Agenda No. 10a

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: April 2014 Teacher of the Month

The April 2014 Teacher of the Month is Mr. Carols Saulsberry, a seventh grade science teacher at Houston Middle School.

On registration day at Houston Middle School it is not uncommon to hear students exclaim, "Yes! I got Mr. Saulsberry for science!" His secret to success is his ability to make every student feel good about themselves. He is a talented science teacher who creates a learning environment in his classroom where students feel safe and respected. His high expectations for his students have a way of bringing out their best.

Mr. Saulsberry's positive attitude is an asset outside of the classroom as well. His colleagues are inspired by his ability to look for the best in everything. He participates in school activities and is a sponsor for the HMS Student Government Association. This year, he helped sponsor a food and Thanksgiving pie drive to collect donations for those who are less fortunate.

Mr. Saulsberry, please accept our appreciation for your commitment to Germantown students. Your award is sponsored by Wolfchase Toyota.

PREPARED BY: Stacey Ewell

Stacey Ewell, Assistant to the City Administrator



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** April 14, 2014**FROM:** Patrick J. Lawton, City Administrator *PL***SUBJECT:** March 2014 Youth Excellence Award

The March 2014 Youth Excellence Award winner is Mr. Alec Manuel Carro, a senior at Memphis University School. He is the son of Dr. and Mrs. Manuel Carro.

Alec's nominator describes him as an intense and meticulous scholar-athlete with a drive for personal perfection and a heart of gold. Alec's coursework has included six Advanced Placement classes and many honors or accelerated classes. He earned a 2020 on his SAT, a 33 on the ACT and the AP Scholar designation for his performance on the AP English, Spanish and U.S. History exams. Alec's membership in the National Honor Society and the MUS history and Spanish honor societies is strong evidence of his character, leadership and service.

Committed to a variety of civic service and after-school activities, Alec is a volunteer in Bridge Builders, serves as a ball boy for local tennis championships and volunteers at Shelby Farms directing traffic for Starry Nights and participating in park trail maintenance projects. He currently tutors students in Spanish and ACT math prep.

In recognition of his commitment to excellence, the Germantown Education Commission is proud to present Alec Manuel Carro with the Germantown Youth Excellence Award.

PREPARED BY: Stacey Ewell

Stacey Ewell, Assistant to the City Administrator



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: April 2014 Youth Excellence Award

The April 2014 Youth Excellence Award winner is Miss Natalie Sakaan, a senior at Germantown High School where she is a member of the International Baccalaureate Program. She is the daughter of Mr. Haysam Sakaan.

Natalie is an outstanding student who has taken the most rigorous courses that GHS offers. At the time of her nomination, Natalie had a 4.64 weighted GPA and was tied for first in her class. She is an active member of the Key Club, Spanish Club, International Club, National Spanish Honor Society, National Art Honor Society and the National Honor Society. She serves as a leader in many of these groups and has spearheaded the school's recycling program, coordinated volunteers for Clinica Esperanza and story time for children at Germantown Community Library.

In recognition of her commitment to excellence, the Germantown Education Commission is proud to present Natalie Sakaan with the Germantown Youth Excellence Award.

PREPARED BY: Stacey Ewell

Stacey Ewell, Assistant to the City Administrator



Agenda No. 10

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: Ordinance 2014-06 - Closure of a Portion of McVay Rd. – Third Reading

INTRODUCTION: The purpose of this agenda item is to hold a public hearing and approve on third reading the closure of the portion of McVay Road, north of North Street that is abutted on both sides by the Saddle Creek shopping center development and by lots within the Arthur Home Place subdivision. The specific action requested is the approval of an ordinance that will close that portion of the street as a public thoroughfare.

BACKGROUND: McVay Road was dedicated as a public street (50 feet of right-of-way) with the Boyd Arthur Homeplace Subdivision, which was approved by the Planning Commission October 17, 1973. The street extends from North Street, just north of the Norfolk-Southern/CSX Railroad, to its dead-end approximately 300 feet south of Poplar Ave. The actual pavement stops well short of that point, and serves 3 lots in the Boyd Arthur Homeplace Subdivision. The closure of the portion of the street is a component of the Saddle Creek South PUD site plan, which was approved by the Planning Commission on January 7, 2014. The street's closure was approved by the Planning Commission on February 4, 2014.

DISCUSSION: The Saddle Creek South PUD site plan proposes the closure of McVay Rd. as a public thoroughfare and the incorporation of the former right-of-way into Buildings W and S, access drives to those buildings and the detention area for the shopping center. The street closure application initially considered by the Planning Commission proposed the closure of the part of McVay that abuts lots within the Arthur Homeplace Subdivision and the part that abuts the Shops at Saddle Creek, Inc. property. Due to issues related to obtaining consent from the owners of the Arthur Homeplace Subdivision lots, the Planning Commission supported the closure of either the entire street segment, or only the segment abutting the Shops at Saddle Creek property. Subsequent to the Planning Commission's vote, the owners of the Arthur Home Place subdivision lots agreed to the closure of the portion abutting their lots. The attached ordinance approves the closure of the two segments as recommended by the Planning Commission.

VISION 2020: Approval of the closure is supported by Goal 8 (Vibrant Quality Retail Economy) and the objective of "Retail businesses generating revenues for the City helping to balance our tax base".

BUDGET AND STAFFING IMPACT: Engineering and Planning staff will spend time and resources reviewing the construction plans for the Saddle Creek South project which will incorporate the road closure, and Construction Inspection staff will spend time inspecting the project during the construction phase. The amount of time required is difficult to estimate, but will likely be substantial, owing to the

size and complexity of the development. Those costs will be defrayed by the fees for Plan Review and Construction Inspection, which are set out in the project development contract.

Prepared by: Wade Morgan
Wade Morgan, Chief Planner

Reviewed by: Cameron Ross
Cameron Ross, Director of Economic
and Community Development

PROPOSED MOTION: To approve on third reading ordinance 2014-06, which will close as a public street that portion of McVay Road north of North Street and abutting Lots 1, 2 and 3 of the Boyd Arthur Homeplace Subdivision and Lot 4, Section C of the Schaeffer Subdivision, as shown on the Saddle Creek South final site plan.

BOARD ACTION: MOTION BY: _____ **SECONDED BY:** _____

| VOTE/TOTAL | MARCOM | DRINNON | PALAZZOLO | OWENS | JANDA | GOLDSWORTHY |
|------------|---------|---------|-----------|---------|---------|-------------|
| YES | Yes | Yes | Yes | Yes | Yes | Yes |
| NO | No | No | No | No | No | No |
| ABSTAIN | Abstain | Abstain | Abstain | Abstain | Abstain | Abstain |

ATTACHMENTS:

1. Vicinity Map
2. Saddle Creek South Site Plan
3. Portion of McVay to be Closed
4. Letter from Trademark Properties
5. Ownership Disclosure Form
6. Ordinance 2014-06
7. Planning Commission minutes – February 4, 2014



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** April 14, 2014**FROM:** Patrick J. Lawton, City Administrator *PJL***SUBJECT:** Ordinance 2014-07 – Amendments to the Regulations on Signs in Commercial and Office Districts – Public Hearing and Third Reading

INTRODUCTION: The purpose of this agenda item is to hold a public hearing and approve on third and final reading several amendments to the regulations for permanent signs in commercial and office zoning districts. The specific action requested is the approval of the proposed ordinance on third reading.

BACKGROUND: Germantown's sign regulations base the size of signs for retail and office uses on the width of the space occupied by the tenant, with a maximum size of 50 square feet. The Design Review Commission recommended unanimously the approval of the amendment at a special meeting on February 13, 2014.

DISCUSSION: Germantown has a limited amount of easily developable land, and the transition zones between Germantown and neighboring cities has become less distinct in recent years as development has pushed to the City Limits. Businesses will locate to the commercial areas with the most advantageous sign regulations while maintaining their market area. Staff benchmarked with other cities in Shelby County and found that the proposed square foot figure for wall signs will mirror what Collierville uses.

Staff proposes several amendments to the regulations on permanent signs in commercial areas. The amendments address sign regulations in the conventional zoning districts (C-1, C-2, SC-1, O, O-T, and O-51). The amendments will make Germantown's rules similar to those in Collierville. Some of the more important areas to focus on are:

1. New Definitions; including a definition of "Sign Band", which is the defined area for a wall sign;
2. Permission for a wall sign that faces a major street or customer parking lot not apparent from residential areas;
3. Change the maximum allowed area for wall signs from 0.5 sq. ft. of sign area for every one foot of building wall length to 1.0 sq. ft. of sign area for every one foot of building wall length. The maximum total sign area is proposed to increase to 75 square feet for most tenant spaces. Tenant spaces over 10,000 sq. ft. in area will be allowed a sign that could be as large as 125 sq. ft., based on the length of building wall on which the sign is erected and with DRC approval. Signs will be limited to no more than 75% of the central portion of the horizontal lease space;
4. The area on the face of the sign that may be covered by a logo shall not exceed the allowable sign area for the premises of the tenant.

VISION 2020: Approval of the revisions to the sign regulations is supported by Goal 8 (Vibrant Quality Retail Economy) and the objective of “Retail businesses generating revenues for the City helping to balance our tax base”.

BUDGET AND STAFFING IMPACT: Planning staff will spend time and resources reviewing the applications and plans for updated signs that come about as a result of the changes to the sign regulations. The amount of time required is difficult to estimate, as it will depend on the number of signs for new businesses and updated signs. Those costs will be defrayed by the application fees for sign review.

Prepared by: Wade Morgan _____
Wade Morgan, Chief Planner

Reviewed by: Cameron Ross _____
Cameron Ross, Director of Economic
and Community Development

PROPOSED MOTION: To approve on third reading ordinance 2014-07, which will amend the regulations in Section 14 of the City Code on permanent signs.

BOARD ACTION: MOTION BY: _____ **SECONDED BY:** _____

| VOTE/TOTAL | MARCOM | DRINNON | PALAZZOLO | OWENS | JANDA | GOLDSWORTHY |
|------------|---------|---------|-----------|---------|---------|-------------|
| YES | Yes | Yes | Yes | Yes | Yes | Yes |
| NO | No | No | No | No | No | No |
| ABSTAIN | Abstain | Abstain | Abstain | Abstain | Abstain | Abstain |

ATTACHMENTS:

1. Proposed Amendments
2. Design Review Commission minutes – February 13, 2014



Agenda No. 12

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PLW*

SUBJECT: Ordinance 2014-04 - Western Gateway Small Area Plan Rezoning – Third Reading

INTRODUCTION: The purpose of this agenda item is to approve on third and final reading the rezoning of the area within the Western Gateway Small Area Plan. That plan encompasses all the properties located between Poplar and Poplar Pike between the eastern boundary of 6755 Poplar (Ray Gill property, formerly the Kirby Farm property) and the western boundary of the City of Germantown.

BACKGROUND: On August 13, 2007, the BMA approved Ordinance 2007-13, whereby the “Germantown Smart Growth Plan” was developed to fulfill the Guiding Principles of the “Germantown Vision 2020” Strategic Plan (adopted 2005). The specific objective is to achieve Goal 7 of the Economic Sustainability Plan: Redevelopment of the Central Business District. The guiding principles set the framework for the strategy and goals for economic development to support its vision, mission and core values. On September 24, 2012, the Board of Mayor and Aldermen (BMA) approved the Economic Development Strategic Plan which identified business nodes, and promoted the development of small area plans for the five (5) non-residential areas in the City. The original “Smart Growth Area” is now the Central Business District. The second non-residential node is the Western Gateway. With the adoption of the Western Gateway Small Area Plan, continuity and cohesiveness is developed that will contribute to the financial, environment and economic sustainability of the City. The Planning Commission recommended approval of the rezoning on December 3, 2013.

DISCUSSION: The Western Gateway area constitutes 58 acres and is strategically positioned to play a significant role in the future of Germantown’s economic growth and vitality. This study was funded by a public/private partnership between the City and a consortium of private property owners, and is based on Smart Growth principles that encourage urban, mixed-use, walkable districts, similar to those in the City’s Central Business District. The Lawrence Group, which led in the development of the original “Germantown Smart Growth Plan”, brought the public and the City together for a 4-day public design charrette which then moved to a public presentation of the preliminary plan and later the final plan. The public, stakeholders, public officials and other representatives guided the design team in its work and were primary determinants of the plan’s outcomes. The plan supports the creation of a distinctive district, with strong public spaces, where people want to live, work, shop and play.

The plan identifies three (3) development strategies for the 58 acre area, a fiscal analysis illustrating the financial benefit for the citizens and the costs to the City, recommendations for the mobility options on the public streets, the Regulating Plan (or recommended zoning plan - T-5 and T-6 – see page 75). The Western Gateway area encompasses five properties, all zoned differently: Old Germantown (OG-1), Multi-family Residential (R-T), Shopping Center (SC-1), General Commercial (C-2) and Office (O)

WESTERN GATEWAY SMALL AREA PLAN REZONING

April 14, 2014

Page 2

Districts. The proposed zoning will designate the properties as General Urban (T-5), General Urban, Restricted (T-5R) and Urban Core (T-6) per the Smart Code and are shown on Attachment 1.

Both districts encourage dense, mixed use urban development and support the implementation of the build-out scenarios of the Western Gateway Plan. The plan recommends that the Kirby Farms property and all property adjacent to Poplar Pike be rezoned to the T-5 District. To allow higher building heights, as appropriate along Poplar Ave., the plan recommends the rezoning of most of the Westminster Townhomes property, the Bank of Bartlett property, the Medical office condos, most of the Carrefour shopping center and the Poplar Woods outparcel (Walker property) to the T-6 District.

As redevelopment of the properties occurs, it is critical to provide for appropriate transitions, particularly between higher density, multi-story developments and lower density, single family residential neighborhoods to ensure that new commercial and/or mixed use buildings are good neighbors. Within the study area, an important transition is the space between the Kirby Farm site and the existing Nottoway neighborhood. The plan recommends, and the proposed zoning district implements, a 50 foot setback from the property line adjacent to the neighborhood on the Kirby Farm site, with a planted vegetation buffer to shield any light from parking lots or structures and higher density development. Additionally, the plan recommends a 3-story, or approximately 35 foot, maximum building height within 150 feet of the property line so new development does not cast shadows over nearby homes. Attachment 5 illustrates the transition provided by the T-5R district.

VISION 2020:

The recommended rezoning are supported by the following goals of the Vision 2020 document:

Goal 6 of the Economic Sustainability Plan: Business Development

Goal 8 of the Economic Sustainability Plan: Vibrant Quality Retail Economy.

ATTACHMENTS:

1. Western Gateway Study Area
2. Current Zoning
3. Proposed Zoning Districts
4. T-5 and T-6 District Standards
5. T-5R District Cross-section
6. December 3, 2013 Planning Commission minutes
7. Ordinance 2014-04



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** April 14, 2014**FROM:** Patrick J. Lawton, City Administrator *PL***SUBJECT:** CONSTRUCTION CONTRACT – REPAIRS TO LATERALS D & E**INTRODUCTION:**

The purpose of this agenda item is to consider approval of a construction contract with Barnes and Brower, Inc. in the amount of \$1,228,820.00 for repairs to Laterals D & E.

BACKGROUND:

Laterals D, E, F & G are major natural earthen tributaries of the Wolf River with a combined drainage area of roughly 5,500 acres that flows south to north to the Wolf River. A characteristic of natural earthen drainage ditches in the West TN area is highly erodible banks. These laterals are positioned within a public drainage easement for which the City has maintenance responsibilities (please see attached vicinity map to identify the locations). Staff briefed the Board of Mayor and Aldermen (BMA) of the severity of the erosion problems at a BMA work Session in December 2011. Staff presented concept repair methods and a proposed time schedule to remedy the most severe areas of concern as follows:

- Design Phase of Laterals F & G in FY12 (completed)
- Construction of Lateral F & G Repairs in FY13 (completed)
- Design Phase of Lateral D & E in FY13 (completed)
- Construction of Lateral D & E locations in FY14 (subject of this agenda item)

With the BMA's agreement to proceed with the plan outlined above, the City entered into a Professional Service Agreement (PSA) with Barge Waggoner Summer & Cannon (BWSC) in May 2012 to design and prepare construction drawings/documents related to the bank stabilization for two separate repairs; one on Lateral F and one on Lateral G. The design was completed in October 2012 and the project was subsequently advertised for construction in April 2013. The City then entered into a construction contract with Rose Construction, Inc., in the amount of \$1,059,212.02, to repair the channel slopes. Construction of the Lateral F & G repairs began in May 2013 and was substantially completed by November 2013 at approximately \$84,000.00 under budget.

Running concurrently with the construction phase of Laterals F&G mentioned above was the design of two separate locations on Lateral D and one location on Lateral E. The City entered into a PSA with BWSC starting August 2013 to design and prepare construction drawings/documents related to the bank stabilization of Laterals D & E. The design was completed in January 2014 and the project was subsequently advertised for construction in February 2014 which brings us to the subject of this agenda item.

Construction Contract – Repairs to Laterals D & E

April 14, 2014

DISCUSSION:

The specific area of concern for the first repair to Lateral D is approximately 1,250 feet north of Farmington Boulevard and adjacent to Brookside Office Centre. The specific area of concern for the second repair to Lateral D is approximately 200 feet south of the Wolf River Boulevard bridge over Lateral D. The specific location on Lateral E is approximately 3,000 feet south of Wolf River Boulevard and adjacent to Glenbuck Street. Each location is indicated on the attached vicinity map. The stream banks at each location are severely eroding and encroaching on private property.

Design and construction drawings/document preparation was completed in January 2014 and the project was subsequently advertised for construction. A mandatory pre-bid meeting was held on February 14, 2014 in which six (6) interested contractors attended. Three (3) qualified bids were received on March 7, 2014 with Barnes and Brower, Inc. providing the lowest acceptable bid at \$1,228,820.00. Barnes and Brower, Inc. has provided excellent construction services for the City on past projects such as the Shady Creek Spillway Reconstruction Project and the Farm Park. They have the knowledge and necessary personnel and equipment to provide the City excellent service on this project as well. Anticipated start date will be May 2014 with an estimated completion of March 2015.

Staff respectfully requests approval of this construction contract.

BUDGET AND STAFFING IMPACT:

Source of Funding:

| <u>Fund</u> | <u>Line Item No.</u> | <u>Dept.</u> | <u>Line Item Description</u> | <u>Budget Balance</u> | <u>Recommended Expenditure</u> |
|-------------|------------------------------|--------------|------------------------------|-----------------------|--------------------------------|
| CIP | 039-0000-400.93-01 DR1403 | Drainage | Other Imp. | \$360,000.00 | \$342,125.00 |

| <u>Fund</u> | <u>Line Item No.</u> | <u>Dept.</u> | <u>Line Item Description</u> | <u>Budget Balance</u> | <u>Recommended Expenditure</u> |
|-------------|------------------------------|--------------|------------------------------|-----------------------|--------------------------------|
| CIP | 039-0000-400.93-01 DR1401 | Drainage | Other Imp. | \$920,000.00 | \$886,695.00 |

The City's Stormwater Engineer, Mr. Tim Bierdz, will serve as Project Manager during construction.

VISION 2020:

This project supports the Vision 2020 objective of well maintained sewer/water systems and storm drain systems to provide protection from flooding.

ATTACHMENTS:

- Location map
- Bid analysis.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PLW*

SUBJECT: STREET REPAIRS PAYMENT -- ENCLAVE GREEN LANE EAST

INTRODUCTION:

The purpose of this agenda item is to consider approval of a payment to Rose Construction, Inc. in the amount of \$17,566.00 for street repairs to Enclave Green Lane East.

BACKGROUND:

Rose Construction, Inc. completed a project for the City in November 2013 that involved the repair and stabilization of severely eroding banks along Laterals F & G. The contract amount was \$1,059,212.02 but was completed and closed out at an actual cost approximately \$84,000.00 below that amount.

DISCUSSION:

Enclave Green Lane East was established as the haul route used during construction of the repairs to Lateral F. Knowing street repairs may be needed as a result of this project, the contract did have a line item for repairs to Enclave Green Lane East if needed. After completion of the Lateral F bank stabilization repairs, the visible street failures and curb and gutter damage, mainly in the vicinity of the construction entrance location, were made at that time.

Additional street failures began to appear on Enclave Green Lane East approximately two months after completion and subsequent closure of the CIP Lateral F bank stabilization project. Failures started to appear after below zero temperatures and thawing, in the January/February months of 2014.

The City's Chief Construction Inspector marked areas that were in need of repair. Rose Construction calculated the quantities and provided the cost estimate (attached) in the amount of \$17,566.00. The repair areas begin at the intersection of Wolf River Boulevard and extend approximately 2,500 linear feet to the north on Enclave Green Lane East. The scope of work will include saw cutting, excavation of failed asphalt and base and installation of 6" cement treated base with 2" asphalt wearing surface. Staff respectfully requests that the remaining balance of the Lateral F & G Construction project be used to fund the street repairs on Enclave Green Lane East.

VISION 2020:

This contract supports the Vision 2020 objective for top quality infrastructure for streets that are well designed, funded and maintained



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** April 14, 2014**FROM:** Patrick J. Lawton, City Administrator *PLS***SUBJECT: CLOSEOUT OF PROFESSIONAL SERVICES AGREEMENT FOR SHADY CREEK SPILLWAY REPAIR****INTRODUCTION:**

The purpose of this agenda item is to consider approval of final payment of \$1,650.00 and close out of a Professional Services Agreement (PSA) with Askew Hargraves and Harcourt (A2H) for design of the Shady Creek Spillway Repair project and approve Budget Adjustment Number 14-77.

BACKGROUND:

In an effort to prevent further deterioration of the failing Shady Creek Spillway, the City entered into a PSA with A2H in the amount of \$41,440.00 in March of 2012 to design and prepare construction drawings/documents for a complete reconstruction of the existing structure. The design was completed in April 2012 and the project was subsequently advertised for construction in May 2012. The City then entered into a construction contract with Barnes and Brower, Inc. in the amount of \$485,777.61 to demolish the existing failing interlocking block structure and replace it with a concrete structure. Construction began in July 2012 and was substantially completed by December 2012 approximately \$14,000.00 under budget.

DISCUSSION:

Included in the original PSA scope of services with A2H was Construction Administration during construction and the preparation of "as-builts" after the project was constructed. As-builts consist of a final project survey verifying vertical and horizontal control points and declaration that the project was constructed as designed. As-builts are a standard requirement on all City of Germantown projects and provide the City a level of comfort that the project was done right and reduces the City's risk. A2H completed their task of as-builts and billed us \$1,650.00 to close out their contract at 100% completion. However, the project had been inadvertently closed, meaning there were insufficient funds to pay A2H their final invoice. FY2014 CIP contingency will be used to cover the \$1,650.00. Approval of this request does not increase the original contract amount. We have paid \$39,790.00 to date.

VISION 2020:

This project supports the Vision 2020 objective of well planned, designed, constructed and maintained infrastructure.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

**SUBJECT: CLOSEOUT OF PROFESSIONAL SERVICES AGREEMENT FOR
POPLAR PIKE DRAINAGE IMPROVEMENTS**

INTRODUCTION:

The purpose of this agenda item is to consider approval of final payment of \$639.00 and close out of a Professional Services Agreement (PSA) with Fisher and Arnold (F&A) for design of the Poplar Pike Drainage Improvement project and to approve Budget Adjustment Number 14-79.

BACKGROUND:

The City entered into a PSA with F&A in the amount of \$21,300 to design and prepare construction drawings/documents related to the collapsed culvert under the Railroad, north of Poplar Pike at McVay Road area. The design was completed in April 2013 and the project was subsequently advertised for construction in May 2013. The City then entered into a construction contract with B & C Construction in the amount of \$159,050.00 to construct the drainage improvements. Construction began in June 2013 and was substantially completed in August 2013 on budget.

DISCUSSION:

Included in the original PSA scope of services with F&A was Construction Administration during construction and the preparation of "as-builts" after the project was constructed. As-builts consist of a final project survey verifying vertical and horizontal control points and declaration that the project was constructed as designed. As-builts are a standard requirement on all City of Germantown projects and provide the City a level of comfort that the project was done right and reduces the City's risk. F&A completed their task of as-builts and billed us \$639.00 to close out their contract at 100% completion. However, the project had been inadvertently closed, meaning there were insufficient funds to pay F&A their final invoice. FY2014 CIP contingency will be used to cover the \$639.00. Approval of this request does not increase the original contract amount. We have paid \$20,661.00 to date.

VISION 2020:

This project supports the Vision 2020 objective of well planned, designed, constructed and maintained infrastructure.

BUDGET AND STAFFING IMPACT:

Source of Funding:

| Fund | Line Item No. | Dept. | Line Item Description | Budget* Balance | Recommended Expenditure |
|------|------------------------------|----------|-----------------------|-----------------|-------------------------|
| CIP | 039-0000-400.25-40 DR1303 | Drainage | Prof. Services | \$639.00 | \$639.00 |

*Funding provided from Capital Contingency Account.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: WOLF RIVER BOULEVARD MILL & OVERLAY – PROFESSIONAL SERVICES AGREEMENT

INTRODUCTION:

The purpose of this agenda item is to consider approval of a professional services agreement in the amount of \$44,320.00 with Fisher & Arnold, Inc. (F&A) for environmental engineering services related to milling and overlaying of Wolf River Boulevard.

BACKGROUND:

Wolf River Boulevard is a major east-west corridor running through the northern portion of Germantown. The roadway extends from Walnut Grove in Memphis to Shelton Road in Collierville and was constructed in phases from the 1980's through 2013. The most recent phase was the final two mile segment between Kimbrough and Farmington funded through Surface Transportation Program (STP), 80% federal 20% local responsibility.

The older portions of the roadway are experiencing severe surface deterioration in the form of pot holes and cracking. Public Services crews have been maintaining the surface defects by point repair of potholes and fillers. However, a complete mill and overlay project is needed. Knowing that this project was eligible for federal funding, the City requested \$1.4 million (80/20) from the Memphis-MPO resurfacing grouping funding source for the segments from Germantown Road to approximately 500 feet west of Kimbrough and from Farmington Boulevard to the eastern City limits. The project ranked sufficiently high to receive the requested federal funding. Upon receiving notification that funding was approved for the project, the City entered into an intergovernmental agreement with the TN Department of Transportation (TDOT) in November of 2013 to commence developing the project.

DISCUSSION:

TDOT issued the City a notice to proceed (attached) to the Preliminary Engineering/Environmental Phase of the project on February 5, 2014 at which point the City immediately publicly advertised for engineering and inspection services with a due date of February 25, 2014 for statements of qualifications (SOQ's) from interested firms. Ten (10) SOQs from interested firms were received by the due.

Using Qualification Based Selection (QBS) criteria, the selection committee chose F&A as the most qualified firm to provide the design and inspection services for the City. Please see attached evaluation form.

**Wolf River Boulevard Mill & Overlay – Professional Services Agreement
April 14, 2014**

City staff met with the F&A team on March 13, 2014 to discuss the scope of the project. The results of that meeting are described in the attached scope and fee proposal. The scope adequately addresses the necessary tasks to complete the Wolf River Boulevard Mill & Overlay project environmental phase and design phases and is reasonable for a project of this magnitude.

Approval of this PSA will authorize the Preliminary Engineering/Environmental Phase of the project to commence in FY14 in the amount of \$44,320.00.

*80% federal/20% local responsibility.

BUDGET AND STAFFING IMPACT:

Source of Funding:

| <u>Fund</u> | <u>Line Item No.</u> | <u>Dept.</u> | <u>Line Item Description</u> | <u>Budget Balance</u> | <u>Recommended Expenditure</u> |
|-------------|------------------------------|--------------|------------------------------|-----------------------|--------------------------------|
| CIP | 030-0000-400.25-40 MR1404 | Major Roads | Professional Services | \$44,320.00 | \$44,320.00* |

Tim Gwaltney, City Engineer will serve as Project Manager, point of contact throughout the environmental and design phase

*As invoices are received and approved, the City pays the invoices at 100%. Upon proof of payment to the consultant is received, the City then requests 80% reimbursement from TDOT with proper backup information.

VISION 2020:

This project supports the Vision 2020 objective of well planned, designed, constructed and maintained infrastructure as well as the safe, efficient and ease of mobility of the traveling public.

ATTACHMENTS:

Professional Services Scope/Fee Proposal with Fisher and Arnold
Vicinity Map
TDOT Notice to Proceed
Selection Team Results



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: TENNIS PROFESSIONAL SERVICES CONTRACT AGREEMENT

INTRODUCTION:

The purpose of this agenda item is to consider approval of a professional services agreement with Carla Brangenberg of Smashing Aces Tennis, LLC to become the City's new Tennis Professional. The contract is for 48 months, with the option to extend the contract for (1) additional year under the same financial plan.

BACKGROUND:

Currently, the City has an agreement with Innovative Athletics to provide tennis services at Municipal Park Tennis Courts. The City entered into the contract March 8, 2010. The contract was for a period of 36 months (3 years) ending May 24, 2013 with the option to extend (1) additional year under the same agreement. The one year extension was exercised, and the current contract ends May 24, 2014. The current financial arrangement provides for 10% of gross revenues to be remitted to the Parks and Recreation Department for all tennis services excluding private lessons, which are remitted at 5%. Innovative Athletics retains all proceeds generated from the tennis pro shop.

The City of Germantown received a proposal from a qualified individual interested in providing a comprehensive community tennis program to be operated at City tennis facilities and to provide retail services at the pro shop located adjacent to the Municipal Park tennis courts.

The selected Tennis Professional will have the exclusive right to develop, implement, instruct and manage a program that provides tennis camps, classes, clinics, leagues, tournaments and group and private lessons for children and adults at City tennis facilities. The Tennis Professional will also have the exclusive right to sell items from the Pro Shop which includes equipment rentals, concessions and stringing of racquets.

DISCUSSION:

Staff reviewed the proposed bid, checked references and held a meeting with the applicant to review and discuss the proposal at length. Staff concluded that the proposal submitted by Carla Brangenberg of Smashing Aces Tennis, LLC would provide our community with a high quality tennis program with professional standards. Based on these factors, it is recommended that Smashing Aces Tennis, LLC be selected to provide tennis services for the City of Germantown. Ms. Brangenberg is well known in the local tennis community and has an outstanding reputation along with having extensive experience in producing quality tennis programs including all age groups. Her approach to service, "Tennis for Everyone," is all encompassing and provides a high quality product. She has an enthusiastic spirit, strong commitment and demonstrates excellence in the field.

Carla Brangenberg of Smashing Aces Tennis, LLC met and/or exceeded the criteria set forth in the City's RFP as noted below.

Experience and ability to furnish the following tennis services

1. Provide a high-quality tennis program for the GPRD.
2. Teach tennis lessons to all levels of youth and adult participants;
3. Develop, organize, instruct and schedule camps, classes, clinics, leagues and tournaments for various age groups and experience levels;
4. Expand the numbers of community members taking part in, and gaining enjoyment from the City tennis program.
5. Develop and implement a marketing program to solicit clients;
6. Recruit and contract or employ additional tennis professional and assistants as needed.

Demonstrate the following knowledge and skills

1. Thorough knowledge of the rules and regulations of the game;
2. Strong familiarity with all aspects of camps, classes, clinics, leagues and tournaments at the USTA level;
3. Teaching experience with individuals, including adults and youth.

Services Received

From juniors to seniors, beginners to seasoned competitors, programs will cover the courts. The junior program will be very extensive – something for everyone. For ages 10 and under, Carla will implement the Quick Start development system and format which calls for smaller courts, lower nets, low compression balls and smaller racquets. Also offered at the beginner level will be summer/holiday clinics and camps. Junior team tennis will be offered to the intermediate players and grand slam junior tennis will be offered to the advanced players wanting to compete at the state and national level. More concentrated classes will be available for those who possess the potential for college play or have the talent for professional play. For adults, a full range of level specific classes and clinics that appeal to all ages and gender will be provided. Her plan includes weekly clinics focusing on different aspects of the game and cardio tennis for those who want to get a full workout. Women's doubles/singles leagues, tournaments and coaches' leagues will be offered year round. Men's offerings will be consistent with the women's and USTA team practices will be offered to all city teams.

Management

Smashing Tennis Aces, LLC led by Carla Brangenberg will operate and manage Municipal Tennis Courts as well as the pro shop. Jenny Webster, Business Manager of Smashing Aces Tennis, LLC has been in the online retail business for over 10 years and will be responsible for managing the pro shop.

Financial Proposal

City to receive:

10% of registration fee for camps, clinics, tournaments, leagues

5% of registration fee for private tennis lessons

0% of profit for tennis pro shop

*(The offer is the same as the previous agreement)

Credentials

Ms. Brangenberg has numerous years of experience directing tennis programs, tournaments and leagues as well as coaching players of all ages. As Head Pro, she will teach tennis lessons/clinics, organize tournaments and help schedule leagues, mixers and other events at Municipal Tennis Courts. She will also be responsible for working with the assistant pros.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: FILE SERVER UPGRADE

INTRODUCTION: The purpose of this agenda item is to request the Board's authorization to purchase a file server in the amount of \$20,817.80 from Presidio Networked Solutions, Inc. and approve Budget Adjustment No. 14-78.

BACKGROUND:

The City's current file server handles files for the entire city as well as security access for those files. The file server in place was purchased four years ago and is at 85% of total capacity. Changes in technology over the past four years, coupled with the addition of technology based programs throughout City departments necessitate this request.

DISCUSSION:

This project will add a file server based on current technology and provide all City staff with a secure location for file storage. The price includes hardware, delivery, installation, staff training and a three-year warranty. The current file server will be used as a secondary storage point. The speed, storage capacity and security will be much improved over the file server purchased four years ago.

A Storage Area Network storage is a new type of file server for the City. They are in use throughout the industry and allow for the systematic purchase of storage as needed. This project will be to purchase the processor, chassis and the storage currently needed. As additional storage is required only the storage portion of the server will be needed until the chassis reaches full capacity. This purchase will allow staff to replace or reuse three existing servers that are nearing maximum capacity.

The City was able to secure Tennessee WSCA/NASPO pricing and installation for all server components through Presidio Networked Solutions, Inc. Cooperative pricing resulted in a 23% savings, or \$5,021.03 off list price for the equipment being purchased. This is the same local vendor that has installed the City network equipment throughout the City buildings and familiarity with the network will allow for a more seamless installation process.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PL*

SUBJECT: GREENBELT AND POPLAR ESTATES WALKING TRAIL PAVING

INTRODUCTION:

The purpose of this agenda item is to request authorization to contract with Cantrell Construction Company, Inc. for overlaying 2,155 linear feet of asphalt trail in the amount of \$26,111.40.

BACKGROUND:

The FY14 IRP Budget will allow for overlaying of 1,030 linear feet of existing greenbelt and establish 1,125 linear feet of walking trail with asphalt. This section of greenbelt is located between Wolf River Blvd. and Brierbrook behind the UT Medical building. The original trail has deteriorated due to age and root damage.

The walking trail at Poplar Estates is constructed of crushed limestone and requires constant maintenance of spraying weeds and replenishing material. Overlaying with asphalt will make the trail handicap accessible and provide easier access for parents with strollers.

DISCUSSION:

This bid was advertised on the City’s website and plan houses. Two qualified bids were received and staff recommends selection of the lowest qualified bid. Funding was approved in the FY14 Infrastructure Replacement Budget to overlay the Greenbelt and walking trail at Poplar Estates Park.

VISION 2020:

This project supports the Vision 2020 Quality of Life objective which identifies the greenbelt systems and trails as an avenue for physical fitness and notes the preservation, availability and educational opportunities along the greenbelt. This project also satisfies the need for more parkland development that provides recreational opportunities for several different user groups.

BUDGET AND STAFFING IMPACT:

Source of Funding:

| <u>Fund</u> | <u>Line Item No.</u> | <u>Dept.</u> | <u>Line Item Description</u> | <u>Budget Balance</u> | <u>Recommended Expenditure</u> |
|-------------|----------------------|--------------|---------------------------------|-----------------------|--------------------------------|
| IRP | 010-3010-430-9490 | Public | Greenbelt and | \$26,112.00 | \$26,111.40 |
| | IR1413 | Services | Poplar Estates Walking Trail | | |

Robert Childs will serve as Contract Administrator.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: April 14, 2014

FROM: Patrick J. Lawton, City Administrator *PJL*

SUBJECT: POST AND RAIL FENCING

INTRODUCTION:

The purpose of this agenda item is to request authorization to contract with Langford Fence Co. Inc., for the purchase and installation of post and rail fencing at three designated parks in the amount of \$38,944.00.

BACKGROUND:

On April 13, 2008, the Board of Mayor and Aldermen approved funding of \$44,972.30 for the installation of round rail fencing to replace the existing split rail system at seven designated parks. The FY14 IRP Budget provides funding for continued replacement of existing split rail fence or new installation in the designated areas. A single rail system will be installed at Cameron Brown Park and Johnson Road Park and a double rail system will be installed along Cross Country Road as a safety precaution for pedestrian traffic near Germantown Elementary and Middle Schools.

DISCUSSION:

This bid was advertised on the City’s website and plan houses. Two qualified bids were received and staff recommends selection of the lowest qualified bid. Funding was approved in the FY14 Infrastructure Replacement Budget to replace the existing fences at Cameron Brown Park (4,100 linear feet of 8’ single rail fence) and Cross Country Road (1,165 linear feet of 8’ double rail fence). A new installation is specified at Johnson Road Park (350 linear feet of 8’ single rail fence).

This fencing is pressure treated, eight foot post lengths with four inch diameters and a two inch interlocking type dowel design which is expected to last 10 years.

VISION 2020:

This project supports the Vision 2020 “Quality of Life” objective for protecting and enhancing public and open space and a Beautiful Community equipped with well designed and well maintained parks throughout the City.

BUDGET AND STAFFING IMPACT:

Source of Funding:

| <u>Fund</u> | <u>Line Item No.</u> | <u>Dept.</u> | <u>Line Item Description</u> | <u>Budget Balance</u> | <u>Recommended Expenditure</u> |
|-------------|----------------------|--------------|------------------------------|-----------------------|--------------------------------|
| IRP | 010-3010-430.94-90 | Public | Post and Rail | \$52,000.00 | \$38,944.00 |
| | IR1416 | Services | Fencing | | |

Robert Childs will serve as Contract Administrator.

ATTACHMENTS:

Bid Analysis

PREPARED BY: Robert Childs

Robert Childs, Contract Administrator

REVIEWED BY: Bo Mills

Bo Mills, Director of Public Services

REVIEWED BY: George Brogdon

George Brogdon, Community Services Division Director

REVIEWED BY: Lisa A. Piefer

Lisa A. Piefer, Procurement Director

PROPOSED MOTION(S), RESOLUTION(S), OTHER ACTION:

To contract with Langford Fence Co. Inc. for the purchase and installation of post and rail fencing in the amount of \$38,944.00.

BOARD ACTION: MOTION BY:

SECONDED BY:

| VOTE/TOTAL | MARCOM | DRINNON | PALAZZOLO | OWENS | JANDA | GOLDSWORTHY |
|-------------------|---------------|----------------|------------------|--------------|--------------|--------------------|
| YES | Yes | Yes | Yes | Yes | Yes | Yes |
| NO | No | No | No | No | No | No |
| ABSTAIN | Abstain | Abstain | Abstain | Abstain | Abstain | Abstain |

