



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, October 13, 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. Youth Excellence Award
7. Citizens to be Heard
8. Shelby County Books from Birth Grant
9. Professional Services Agreement – Farm Park Phase III
10. Ordinance 2014-10 – Western Gateway Rezoning- Third and Final Reading
11. Ordinance 2014-11 – Health Care/Medical Facility Office – Third and Final Reading
12. Public Hearing – Ordinance 2014-12 – Funeral Parlor – Second Reading
13. Asphalt Rejuvenation Contract
14. Agreement of Compromise and Settlement Payment - Shelby County Schools
15. Design Contract - Wolf River Overlay
16. PSA – Poplar Culvert
17. Consent to Assign 2011 Solid Waste Collection Services Contract
18. **CONSENT**
 - a. Fire Department Purchase of Defibrillators
 - b. Fire Uniforms
 - c. Donation – Fire Department LAFS Program
 - d. Library Board Appointments
 - e. Senior Expo Booths
 - f. Declaration of Surplus Property
 - g. Closeout of CEI Prof. Serv. Agreement - Poplar Ave. Culvert Replacement

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: October 13, 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: October 13, 2014
FROM: Patrick J. Lawton, City Administrator
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 September 22, 2014.

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

To approve the minutes of the Board of Mayor and Aldermen Meeting held September 22, 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



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** October 13, 2014**FROM:** Patrick J. Lawton, City Administrator *PL***SUBJECT:** October 2014 Youth Excellence Award

The October 2014 Youth Excellence Award winner is Mr. John W. Durden, a senior at Houston High School. He is the son of Hugh and Ann Durden.

John's nominator describes him as a creative and brilliant young man. John has been a member of the Houston marching band and has achieved an impressive list of theatre roles including the Tin Man in Germantown Community Theatre's *The Wizard of Oz*, the starring role in the Theatre Memphis production of *Peter Pan* and Jesus in the HHS production of *Godspell*. John also participates in German Club and serves as Prose Editor on the *Houston Literary Magazine*. During the previous school year, he was captain for the school's Knowledge Bowl team.

John is also a dedicated scholar. He is enrolled in all honors and AP level classes. He scored a perfect 800 on both the critical reading and mathematics portions of the SAT. This fall he has qualified as both a National Merit Semi-Finalist and an AP Scholar with Distinction. Ms. Doreen Penrod, German teacher at HHS, attests to his strong academic abilities saying, "from day one John stood out with his intelligent observations, active participation, enthusiasm and excellent work."

In recognition of her commitment to excellence, the Germantown Education Commission is proud to present John Durden 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:** October 13, 2014**FROM:** Patrick J. Lawton, City Administrator *PSL***SUBJECT:** SHELBY COUNTY BOOKS FROM BIRTH GRANT**INTRODUCTION:**

The purpose of this agenda item is to authorize the payment of \$12,135 to Shelby County Books from Birth.

BACKGROUND:

As part of the FY15 Budget, a \$12,135 grant was included in the Administration budget to support the Shelby County Books from Birth program. This funding request was made following discussion among members of the Board of Mayor and Aldermen during their February 2014 retreat.

DISCUSSION:

Shelby County Books from Birth is the local affiliate of Dolly Parton's Imagination Library. The Books from Birth program promotes kindergarten readiness and strengthens family bonds in Shelby County by providing age-appropriate books for all children from birth to age five. The premise is simple – provide families with the early resources they need to put their child on a pathway to success in school and life.

Since 2005, Shelby County Books from Birth has been enrolling children into the Imagination Library at no charge to parents or the community. In Germantown, approximately 75% of households with children under the age of five years are enrolled. This means that over 1,330 children in Germantown receive new a book in the mail each month.

Studies have shown that the program helps children to build vocabulary, enhances learning and increases the bond between parent and child. In 2012, The Urban Child Institute studied children entering kindergarten and compared their Kindergarten Readiness (KRI) scores against many factors. A consistent finding in all of the research was that children that participated in the Shelby County Books from Birth program were the highest performers. This outcome was present in homes of all income levels. This past year, these same students were still the highest performing second graders among their peers and least likely to need any serious interventions.

Because of her influence, Dolly Parton and her Dollywood Foundation keeps the costs of the books very low and the program can be delivered locally for about \$33 per child a year. The Governor's Books from Birth Foundation contributes \$12.50 per child and local funders – foundations, companies, individuals, and even parents - contribute to pay for the rest.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE: October 13, 2014****FROM: Patrick J. Lawton, City Administrator** *PSL***SUBJECT: BOBBY LANIER FARM PARK - PROFESSIONAL SERVICES CONTRACT****INTRODUCTION:**

The purpose of this agenda item is to authorize the Mayor to enter into a Professional Services Agreement with the Dalhoff Thomas Design Studio to update construction documents and provide construction administration for the Bobby Lanier Farm Park FY15 CIP project in the amount of \$35,150.00.

BACKGROUND:

On September 10, 2012, the Board of Mayor and Aldermen authorized the City to enter into a Professional Services Agreement with Dalhoff Thomas Design Studio to provide engineering and design services for the construction of Phase II of the Bobby Lanier Farm Park Master Plan in the amount of \$117,900.00. Phase II included the following site improvements: restoration of both barn structures and the small cottage, water distribution to the buildings, installation of public sewer and electrical, site fencing and security, signage, restoration of the orchard, kitchen garden completion, arbor feature in the main garden, site furnishings and landscaping. The Budget for Phase II in the amount of \$1,400,000.00 including \$140,000.00 for design was approved by the Board of Mayor and Aldermen as part of the FY13 CIP Budget. The design work was completed; however, the major CIP construction project was deferred due to other city financial priorities at the time. There was \$90,000.00 designated to complete a better entrance drive to the Farm Park property and the Germantown Charity Horse Show completed the renovation design for the stable building as a gift to the City valued at over \$250,000.00 in 2013.

DISCUSSION:

During the FY 15 Budget development process, the Board of Mayor and Aldermen approved \$951,000.00 to complete much needed site infrastructure components of the master plan and to match the shared cost of reconstructing the existing hay barn into a new Hay Barn Pavilion Activity Center as a part of a 2014 LPRF Grant application. The grant application was approved by the Tennessee Department of Environment and Conservation in August 2014 for the full request of \$208,000.00 or half of the \$418,000.00 budgeted cost. The new site amenity will support the overall function of the Farm Park and be used for a variety of public functions including: educational programs and activities; farmer's market and food demonstrations; gathering space for partners; community events and expos; pavilion space for visitors; and community rentals.

Staff is currently working with the state agency on securing the grant contract documents once the site environmental reviews are complete. The grant acknowledgement letter is attached. No grant funds are tied to this professional services agreement contract.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN**DATE:** October 13, 2014**FROM:** Patrick J. Lawton, City Administrator *PJL***SUBJECT: ORDINANCE 2014-10 - WESTERN GATEWAY SMALL AREA PLAN:
REZONING – THIRD READING**

INTRODUCTION: The purpose of this agenda item is to approve on second 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 Western Gateway Smart Code zoning application was initially approved by Planning Commission on December 3, 2013 and sent to the Board of Mayor and Aldermen (BMA). At its meeting on April 14, 2014, the BMA deferred action on the rezoning, and referred the plan back to the Planning Commission (PC) for further review and modification concerning the Kirby Farms property which adjoins the Nottoway PUD. No action was taken on the third reading of the ordinance (2014-04). The PC discussed the rezoning plan at its July 1, 2014 meeting, at which time it deferred the matter to the August agenda to allow the owner of the Kirby Farm property and the Nottoway HOA to discuss acceptable buffering and building height covenants. In addition, the Fountain Square condominiums are included within the proposed T-5 and T-6 districts. The PC on August 5, 2014, voted to recommend approval of the rezoning plan as revised by staff and shown on attachment 3. The BMA voted to approve this item on first reading and set the Public Hearing for September 22, 2014 on August 25, 2014.

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) Districts. The proposed zoning will designate the properties as General Urban (T-5), General Urban, Restricted (T-4R) and Urban Core (T-6) per the Smart Code and are shown on Attachment 3.

All three 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 majority of 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-4R 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-4R District Cross-section
6. August 5, 2014 Planning Commission minutes



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: Ordinance 2014-11 – Amendments to the Regulations on Amendment to the City of Germantown’s Zoning Code: Add the category of “Health Care Facility” to the Definitions Section and add Health Care Facility to the list of Permitted Uses; and add the categories of “Medical Services/Offices” to the Definition Section and add “Medical Services/Offices” to the list of Permitted Uses– **Third Reading**

INTRODUCTION:

The purpose of this agenda item is to approve on first reading an amendment to the zoning regulations to 1) update and revise the definitions of “hospital” and similar land uses, and 2) revise the districts within which those uses are allowed. The specific action requested is the approval of the proposed ordinance on first reading. The public hearing will be held in conjunction with the second reading on September 22, 2014.

ECD staff proposes that the definition of “hospital” be modified to better reflect the current trends in the provision of medical facilities that provide out-patient and in-patient treatment for medical and behavioral health conditions. The proposed definition changes to the City of Germantown’s Zoning Code, Section 23-2 “Definitions” will affect uses in the following zoning districts:

C-2 “General Commercial District”; SC-1 “Shopping Center District”; O “Office District”; O-51 “Office District”; O-C “Office Campus”; O-T “Office-Technology District”;

Currently a “hospital” is only allowed in C-2. Staff’s recommendation is that the proposed “Health Care Facility” be applied as a use in C-2, O-51, and O-T.

Medical Offices/Services will be allowed by right in all of the districts outlined above.

EXISTING DEFINITIONS:

Section 23-2: Hospital means an institution which is primarily engaged in providing to short-term inpatients, for relatively temporary periods of acute physical illness, injury or disability, by or under the supervision of physicians, diagnostic and therapeutic services for medical or surgical diagnosis, treatment and care of physically injured, disabled or sick persons, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, emergency room services and training facilities for health professions personnel. The term "hospital" does not include institutions engaged in providing for the diagnosis and treatment of tuberculosis, leprosy, mental illness, mental retardation, abnormal mental conditions, or alcohol or drug abuse. The term "hospital" does not include institutions primarily furnishing relatively permanent, long-term or domiciliary care such as nursing homes, recuperation or convalescent centers, homes for the aged, extended care facilities, facilities for long-term care, skilled nursing facilities or intermediate care facilities.

Section 23-2: Medical services means those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual, reprinted March, 1977.)

PROPOSED DEFINITIONS:

Section 23-2: Health Care Facility: (formerly Hospital) means a hospital or other similar institution which is primarily engaged in providing medical, emergency, surgical, obstetric, nursing, physical rehabilitation, hospice or behavioral (including chemical dependency) health care to persons suffering from illness, injury, disease, or other physical or mental conditions. This classification includes facilities for inpatient or outpatient treatment, and can include emergency rooms, operating rooms, laboratories, diagnostic facilities, medical and administrative offices, teaching facilities, meeting areas, cafeterias, maintenance and structured parking facilities.

Section 23-2: Medical Office/Services: (formerly Medical Services) means an office or clinic for health care professionals, including but not limited to medical doctors, dentists, eye care specialists, chiropractors, nurses, physical therapists, and acupuncturists. The majority of patient encounters involve examination, diagnosis, treatment, or surgical procedures on an outpatient basis. Also included in this definition are establishments which provide services, supplies, equipment or merchandise related to the health care field.

VISION 2020:

Approval of the amendment will work toward achieving the goal of having “Premier Regional Medical Facilities” and the objective of full-service medical and healthcare providers serving the mid-south region.

BUDGET AND STAFFING IMPACT:

Planning staff will spend time and resources reviewing the applications and plans for new medical facilities that come about as a result of the changes to the regulations. The amount of time required is difficult to estimate, as it will depend on the number of proposals for new or updated facilities. Those costs will be defrayed by the application fees for plan 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 2014-11, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations to add the category of “Health Care Facility” to the Definitions Section and add Health Care Facility to the list of Permitted Uses; and add the categories of “Medical Services/Offices” to the Definition Section and add “Medical Services/Offices” to the list of Permitted Uses.

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. Planning Commission minutes – August 5, 2014



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: Ordinance 2014-12 – Amendments to the Regulations to the City of Germantown’s Zoning Code: Add the category of “Funeral Chapel” to the Definitions Section and add “Funeral Chapel” to the list of Permitted Uses.
– Second Reading and Public Hearing

INTRODUCTION:

The purpose of this agenda item is to approve on first reading an amendment to the zoning regulations to 1) add the definitions of “Funeral Chapel”, and 2) revise the district within which that use is allowed. The specific action requested is the approval of the proposed ordinance on first reading. The public hearing will be held in conjunction with the second reading on October 13, 2014.

ECD staff proposes that the definition of “Funeral Chapel” be added to the Zoning Code as it is not currently an allowed use. There is interest in this use in commercial areas to serve the Germantown market locally rather than in other municipalities. The proposed definition changes to the City of Germantown’s Zoning Code, Section 23-2 “Definitions” will affect uses in the following zoning districts:

C-2 “General Commercial District”

DISCUSSION:

At present, “Funeral Chapel” is not a permitted use in any Germantown zoning district. There is interest in establishing a funeral chapel within Germantown to provide that service to residents. The first step is to define the term “Funeral Chapel” and specify the zoning district(s) in which the use should be permitted.

EXISTING DEFINITION:

There is no current definition.

PROPOSED DEFINITION:

Section 23-2: Funeral Chapel: A building used primarily for human funeral services, provided that such building shall not contain facilities for (a) embalming; (b) performance of autopsies or other similar surgical procedures; (c) cremation; or (d) storage of funeral caskets and funeral urns, except those on display on the premises; and (e) that funeral vehicles shall not be stored on the premises except in a garage or other accessory building with no direct public street frontage; and (f) that the garage or other accessory building shall not be used for other purposes.

VISION 2020:

Approval of the amendment will work toward achieving the goals of giving businesses the opportunity to succeed and grow; and giving small and medium size businesses the opportunity to locate in Germantown and grow.

BUDGET AND STAFFING IMPACT:

Planning staff will spend time and resources reviewing the applications and plans for new funeral chapels, however the amount of time required is difficult to estimate, as it will depend on the number of proposals for new or redeveloped facilities. Those costs will be defrayed by the application fees for plan 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 second reading Ordinance 2014-12, which will amend the regulations in Section 23-2 of the City Code on definitions and use regulations.

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. Planning Commission minutes – September 9, 2014



Agenda No. 13

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: Asphalt Rejuvenation Contract

INTRODUCTION:

The purpose of this agenda item is to consider approval of a construction contract with Pavement Technology, Inc. for the annual pavement rejuvenation program in an amount not to exceed \$100,000.00.

BACKGROUND:

Public Works has implemented an annual street maintenance program and the necessary funding request through the FY 15 budget process for pavement rejuvenation to extend pavement life cycles. This process is a maintenance function that will actually extend the pavement life thus extending the pavement cycle for several years. The procedure restores the natural surface pavement oils that are eroded by natural sunlight, heat, moisture and traffic volumes. Restoration not only keeps the surface pliable but also seals cracks from water intrusion. The final product helps extend the street life, reduces maintenance and consequently delays resurfacing requirements for several years.

DISCUSSION:

Pursuant to T.C.A. § 12-3-1203 (formerly § 12-3-1004) which authorizes in-state "piggyback" contracts whereby cities, counties, utility districts, and other local governments in Tennessee may purchase supplies, goods, equipment, and services under the same terms as a legal bid initiated by any other city, county, utility district, or other local government unit in Tennessee, the City of Germantown recommends the services of Pavement Technology, Inc. for the City's asphalt pavement rejuvenation under the arrangement detailed in the bid (#2957) submitted to the City of Clarksville on July 5, 2012 which has four 1-year extensions. Per the City of Clarksville, the current extension expires July 5, 2015. The unit price is \$.82 per square yard and reflects a 0% increase from the FY14 contract.

This product is directly applied to the asphalt surface. The rejuvenator absorbs into the asphalt surface and penetrates the first 3/4" of asphalt. A light layer of sand is applied to the street surface to allow for traction until the full absorption is accomplished. After a twenty four hour period, the sand is removed from the roadway surface by street sweeper vacuum. The effectiveness of the thermoplastic pavement markings is not diminished with procedure.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: AGREEMENT OF COMPROMISE AND SETTLEMENT PAYMENT

INTRODUCTION:

This payment in the amount of \$355,453.00 represents the first of twelve yearly payments to the Shelby County Board of Education (SCBE) for the settlement of litigation over the formation of the Germantown Municipal School District (GMSD) and the conveyance by SCBE of Dogwood, Farmington and Riverdale elementary schools, Houston Middle School, and Houston High School to the GMSD for management and operation.

BACKGROUND:

In early 2011 the of Germantown Board of Mayor and Aldermen and the City administration began in earnest to develop our own municipal school district based upon legislation opening up the provision in state law dealing with the creation of municipal school districts commonly referred to as the Norris Todd bill. After thirty six months, and numerous ordinances and public referendums, the GMSD Board of Education was seated and a superintendent was in place. In August 2014 the doors of the GMSD were opened to the delight of students and parents throughout our city.

DISCUSSION:

A vital component in moving the GMSD forward, along with meeting all the legal and regulatory requirements, was the settlement of a lawsuit filed by the County Commission alleging that the City's efforts to create its own municipal school district was illegal because they were motivated by racially-discriminatory intent and violated various constitutional provisions.

The Agreement of Compromise and Settlement executed by Mayor Goldsworthy on January 6, 2014 accomplished two primary objectives.

1. Dismissed with prejudice all claims by the County Commission in the lawsuit reference above.
2. Conveyed Dogwood, Farmington and Riverdale elementary schools along with Houston Middle and Houston High schools to the GMSD Board the operation for full control, management and operation.

The settlement agreement also requires that the GMSD Board of Education agrees to pay SCBE for the next twelve years, by the first of November each year, beginning in 2014 the amount of \$355,453.00. In our discussion with the GMSD Board of Education early in their formation the City of Germantown agreed to pay this amount on behalf of GMSD.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 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 Supplement No. 1 in the amount of \$83,450.00 to a professional services agreement with Fisher & Arnold, Inc. (F&A), increasing the ceiling from \$44,320.00 to \$127,770.00, for design services and preparation of construction documents 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.

On April 14, 2014 (FY14 – CIP), the City entered into a professional services agreement with Fisher & Arnold to provide preliminary design/environmental phase services for the project in the amount of \$44,320.00. Please see F&A's attached scope/fee proposal, specifically the section labeled PHASE A. The scope involved field data collection and professional services to assemble and submit the required environmental documentation for approval. The environmental documentation was completed, submitted to all interested agencies and approved by same as evidenced by the attached Notice to Proceed to the Final Design Phase. The environmental document is filed in the Economic and Community Development Project files and can be reviewed upon request.

**Wolf River Boulevard Mill & Overlay – Professional Services Agreement
October 13, 2014**

DISCUSSION:

The purpose of this agenda item is to proceed to the Final Design phase. The City’s FY15 Capital Improvement Program included funding for the remainder of the project. Again, please refer to F&A’s fee proposal, specifically the section labeled PHASE B.

Approval of this supplement will increase the contract amount from \$44,320.00 to \$127,770.00.

Staff respectfully recommends approval of this item.

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	\$83,450.00	\$83,450.00*

Tim Gwaltney, City Engineer served as Project Manager, point of contact throughout the environmental phase and will continue in that role throughout the Final Design phase

*As invoices are received and approved, the City pays the invoices at 100%. Upon receipt of proof of payment to the consultant, 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

**Wolf River Blvd. Mill & Overlay – Professional Services Agreement
October 13, 2014**

PREPARED BY: Tim Gwaltney

Tim Gwaltney, P.E., City Engineer

REVIEWED BY: Butch Eder

Butch Eder, CIP Manager

REVIEWED BY: Lisa A. Piefer

Lisa A. Piefer, Procurement Director

REVIEWED BY: Ralph J. Gabb

Ralph J. Gabb, Finance Director

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

To approve Supplement No. 1 a professional services agreement with Fisher & Arnold, Inc. in the amount of \$83,450.00, increasing the contract amount from \$44,320.00 to \$127,770.00 for services related to the Wolf River Boulevard Mill & Overlay project.

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: October 13, 2014****FROM: Patrick J. Lawton, City Administrator** *PJL***SUBJECT: PROFESSIONAL SERVICES AGREEMENT- POPLAR AVE. CULVERT REPLACEMENTS****INTRODUCTION:**

The purpose of this agenda item is to consider approval of a Professional Services Agreement (PSA) with Askew Hargraves and Harcourt (A2H) in the amount of \$58,605.00 for design and preparation of construction documents for the next phase of the Poplar Avenue Culvert Replacement Program.

BACKGROUND:

There are numerous stormwater culverts crossing under Poplar Avenue within the city limits of Germantown. A significant portion of those culverts have reached the end of their design life and showing signs of failure. In August 2009, the City entered into a Professional Services Agreement with A2H to provide a complete interior inspection and structural evaluation of the culverts by physically walking through the man-entry size crossings and by the use of remote video camera for the smaller crossings. Based on the field observations, an Engineering Report was generated detailing the existing condition of each culvert along with recommendations and cost estimates to extend the life of the crossings. A summary of the findings are listed below:

- Seventy (17) culverts rated "Priority 1" – This means the culvert is beyond its service life and either has failed or is showing signs of imminent failure.
- Eleven (11) were deemed "Priority 2". This means the culvert is at the end of its service life but still maintains an open cross section.

As of April 2014, the six (6) most critical culvert crossings have been replaced. The City has been reimbursed 100% of project expenditures, over \$800,000.00. The funding source is Surface Transportation Program (STP) administered through the Metropolitan Planning Organization (MPO). Typically these funds are 80/20 however, since Poplar Avenue is a state route, the TN Department of Transportation (TDOT) is covering the local 20% match requirement.

DISCUSSION:

The City's FY15 Capital Improvement Program included \$600,000.00 in funding for the next phase of the Poplar Culverts Replacement Project. The City publically advertised for professional services including design and Construction Engineering and Inspection on August 7, 2014 with three (3) interested, qualified firms submitting their qualifications by the due date of August 22, 2014. A2H's intimate knowledge of the project and their excellent services provided to the City on previous phases made them the obvious choice as evidenced by the attached scoring from the selection team. A2H was the unanimous choice.

Also attached is A2H's proposed scope and design fee. The scope adequately covers the project needs and staff believes it to be reasonable for a project of this size and magnitude. The scope/fee involves design and preparation of construction documents for a total of ten (10) culvert crossings.



Agenda No. 17

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: CONSENT TO ASSIGN 2011 SOLID WASTE COLLECTION SERVICES CONTRACT

INTRODUCTION: The purpose of this agenda item is to consent to the assignment of the Contract for Services and/or Products dated April 25, 2011 (the "Contract") for solid waste collection services (household trash, yard debris and recyclables) between the City and BFI Waste Services, LLC (d/b/a Republic Services) to Inland Waste Solutions, LLC ("Inland"). The Contract requires the consent of the City to any assignment.

BACKGROUND:

The Contract for solid waste collection services, which includes household trash, yard debris and recyclables, between the City and Advanced Disposal Services Mid-South, LLC was approved by the Board and signed on April 25, 2011. Prior to the commencement of the contract, the City received a request for assignment of the contract to BFI Waste Services, LLC (Republic Services). This assignment was approved by the Board on June 13, 2011.

Republic Services performed the services for over three years. In the second year of the Contract, Republic Services experienced a work stoppage by its employees that significantly impacted service. Since then Republic has worked to ensure that services are delivered according to the terms of the contract.

On September 15, 2014 the City received a letter from Republic Services notifying the City of a potential business transaction between Republic Services and Inland with the intent to sell certain assets to Inland, including the Contract for solid waste collection services with the City. The letter included a request of the City to consent to the assignment of the Contract to Inland. The closing of the transaction is anticipated to be October 31, 2014, pending the assignment of the Contract by the City.

DISCUSSION:

The city attorney prepared an Assignment, Assumption and Consent Agreement ("Agreement") that assigns all terms and conditions of the Contract to Inland, contingent upon closing of the above referenced transaction between Republic Services and Inland. This Agreement has been approved by Republic Services and Inland (copy of the Agreement is attached).

In addition, staff met with Inland representatives and reviewed the major provisions of the Contract, the expectations of the City and the provisions for service shortcomings. Staff also requested a list of current Inland municipal customers and conducted reference checks with these municipalities. The reference checks did not result in any negative responses.

CONSENT TO ASSIGN 2011 SOLID WASTE COLLECTION SERVICES CONTRACT

October 13, 2014

Based on the agreement of Inland to accept all terms, conditions and obligations of the Contract, staff recommends that the City consent to the assignment of the Contract from Republic Services to Inland. All payment and performance bonds from Inland were submitted with the Agreement and have been reviewed by city staff.

This Agreement provides that Inland will perform all contractual responsibilities currently provided by Republic Services under the Contract. The Contract has an initial term that goes through June 30, 2016, and includes an option by the City to extend the term of the Contract for an additional sixty (60) months which would run through June 30, 2021.

BUDGET AND STAFFING IMPACT:

There is no budget or staffing impact with this action.

VISION 2020:

The original agreement helped to meet the Community Vitality Goal – Beautiful Community by helping to keep the neighborhoods attractive and aesthetically pleasing. In addition, this item contributes to the Environmental Quality Goal – Waste Reduction and Resource Recovery.

ATTACHMENTS:

Contract assignment assumption and consent agreement. Full contract is available for review upon request.

PREPARED BY: Joe Nunes

Joe Nunes, Neighborhood Services Manager

REVIEWED BY: Cameron Ross

Cameron Ross, Director of Economic and Community Development

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

To authorize the Mayor to execute the Assignment, Assumption and Consent Agreement providing the City's consent to assignment of the Contract for solid waste collection services with BFI Waste Services, LLC (d/b/a Republic Services) to Inland Waste Solutions, LLC.

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. 18a

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: PURCHASE OF DEFIBRILLATORS

INTRODUCTION:

The purpose of this agenda item is to request authorization to purchase two (2) monitor/defibrillators from Zoll Medical in the total amount of \$61,982.16.

BACKGROUND:

The Fire Department uses cardiac monitor/defibrillators to diagnose and treat patients suffering from cardiac emergencies, including heart attacks and cardiac dysrhythmias. Over the past two years, the City has purchased eight (8) new defibrillators to replace old defibrillators. The new cardiac monitors have enhanced features to improve patient care, including new technologies for defibrillation, the capability to transmit the EKG rhythms to the hospital ER, 12-lead heart monitoring, and built-in monitoring of pulse oximetry and carbon monoxide levels in the blood.

The Fire Department has been able to attain a cardiac arrest survivability (return of spontaneous circulation) rate of about 38% for all cardiac arrest patients. This compares to a national average of 6%. Through the use of these newer technologies and other efforts being taken, the Fire Department hopes to see the cardiac arrest survival rate further increase.

DISCUSSION:

The City utilized the National Purchasing Partners Cooperative Quote # 17195V:3 for the purchase of these defibrillators. The quote from Zoll for the purchase of the two (2) Series X defibrillators and trade-in of 1 old defibrillator is lower than the prices received through original bid in FY13. Procurement Staff has verified the NPP contract and the pricing to ensure that it is in line with published contract requirements. The new defibrillators will complete the replacement of the Fire Department's old defibrillators.



CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014
FROM: Patrick J. Lawton, City Administrator *PSV*
SUBJECT: FIRE DEPARTMENT UNIFORMS

INTRODUCTION:

The purpose of this agenda item is to request authorization to purchase Fire Department uniforms and accessories from Accurate Law Enforcement, BKT Uniforms, CMS Uniforms, GT Distributors, Midsouth Solutions and Shapiro Uniforms based on quoted prices in amounts not to exceed the Department's annual uniform budget.

BACKGROUND:

The Fire Department issues purchase orders not to exceed the individual allotment for uniforms. There are 77 full time fire fighters, 4 part time fire fighters, 30 reserves and 8 FAST members who receive annual uniform allotments.

DISCUSSION:

The bids were advertised on the City's website and notifications were sent to 812 e-notice subscribers. Seven (7) bids were received with one being a No Bid. Fire Department employees will be able to purchase their uniforms from the above approved vendors based on their individual allotments.

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>
General	010-2510-422.32-60	Fire	Uniform and Clothing	\$23,519.66	\$23,519.66
General	017-2510-424.32-60	Ambulance	Uniform and Clothing	\$6,302.64	\$6,302.64

VISION 2020:

This purchase meets a Vision 2020 goal of providing effective emergency response with the right equipment and resources available to handle the emergency response.

FIRE DEPARTMENT UNIFORMS

October 13, 2014

Page 2

ATTACHMENTS:

Bid Analysis

PREPARED BY: Edgar Babian

Edgar Babian, Deputy Fire Chief

REVIEWED BY: John Selberg

John Selberg, Fire Chief

REVIEWED BY: Lisa A. Piefer

Lisa A. Piefer, Procurement Director

REVIEWED BY: Ralph J. Gabb

Ralph J. Gabb, Finance Director

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

To purchase Fire Department uniforms and accessories from Accurate Law Enforcement, BKT Uniforms, CMS Uniforms, GT Distributors, Midsouth Solutions and Shapiro Uniforms based on quoted prices in amounts not to exceed the Department's annual uniform budget.

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: October 13, 2014

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

SUBJECT: Donation to Fire Department LAFS Program

INTRODUCTION:

The purpose of this agenda item is to accept a donation to the Fire Department for use in the Learning About Fire Safety (LAFS) educational program totaling \$100.00 and to approved Budget Adjustment No. 15-17.

BACKGROUND:

The Learning About Fire Safety program, or LAFS, has been in existence since 2000. Several fire fighters conceived and created the program to teach safety behaviors to children through clowning. The fire fighters developed unique clown personalities that the children readily identify with, which enables these "clowns from the Fire Department" to deliver a message that the children will remember. The fire fighters contributed a lot of time, talent, and their own money to the program initially. As the program progressed, we have used a combination of general fund revenues and grants to fund equipment and supplies to expand and improve the program.

DISCUSSION:

The Fire Department has received a donation the Germantown Lions Club for \$100.00. These funds will be used to provide equipment and supplies for the LAFS Program in preparation for Fire Prevention Month, which is this month.

VISION 2020:

The LAFS program meets a Vision 2020 goal of being the safest city in the southeast, taking a proactive approach to community safety, and ensuring an effective emergency warning system for that area, as well as delivering services in the most cost-effective manner.

ATTACHMENTS:

Budget Adjustment No. 15-17.

Prepared by: Jody Dwyer
Jody Dwyer, Fire Marshal

Reviewed by: John Selberg
John Selberg, Fire Chief

Reviewed by: Ralph J. Gabb
Ralph J. Gabb, Finance Director

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

To accept a donation in the amount of \$100.00 to support the Fire Department LAFS program and to approved Budget Adjustment No. 15-17.

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. 18e

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: SENIOR EXPO BOOTH EQUIPMENT RENTAL

INTRODUCTION:

The purpose of this agenda item is to request authorization to secure Hicks Convention Services to provide all booths and specified equipment for the upcoming Senior Expo in the amount of \$12,596.00.

BACKGROUND:

The nineteenth annual Germantown Senior Expo event presented by the Germantown Senior Citizens Advisory Commission will be held Thursday, November 6 from 9 a.m. to 3 p.m. Again this year, the expo will be utilizing the facilities of both the Germantown Athletic Club (GAC) and the Germantown Performing Arts Center (GPAC). The free community event will feature a variety of booths including car dealerships, home health agencies, local churches and the City of Germantown will be well represented. Guests will learn about products, services and activities of specific interest to seniors.

DISCUSSION

Staff worked with the Procurement Department to finalize the specifications and bid documents. The bid was issued, advertised on the City's website and sent to 812 e-notice subscribers on September 10, 2014. At the bid opening on September 23, 2014, staff received one acceptable bid from Hicks Convention Services. The total price below reflects the set up of all display booths including pipe and drape and other equipment such as tables, chairs, electrical outlets, wiring for outlets, gym floor covering, booth signage and trash removal. A summary of the bid analysis is attached.

Staff thoroughly reviewed all of the bid specifications and confirms that Hicks meets all of the requirements. In years past, Hicks has successfully performed the work for the Expo and staff recommends accepting the bid. The approved budget for this project is \$13,720.00.

BUDGET AND STAFFING IMPACT:

The Recreation Division staff will be on site the day of the event to assist and support the Commission with the overall event responsibilities.



Agenda No. 187

CITY OF GERMANTOWN

REPORT TO: THE BOARD OF MAYOR AND ALDERMEN

DATE: October 13, 2014

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

SUBJECT: Declaration of Surplus Property

INTRODUCTION:

The purpose of this agenda item is to declare the attached list of equipment as surplus property, thus allowing for the sale and disposal of the items.

BACKGROUND:

The City is seeking to dispose of the attached list of equipment from Germantown Athletic Club, Great Hall, Fire, IT, Police, and General Services. Many of these items have completed their useful life and have been replaced.

DISCUSSION:

The sellable items will be placed on the GovDeals auction site to be sold. All other items will be properly disposed per state and local regulations. The City pays a 7.5% fee to GovDeals which includes the auction services, collection of monies and remittance of revenue back to the City. The City has used GovDeals since 2008 and has netted to date over \$320,000.00 in auction sales revenue. A complete list of the items sold including all asset no. (if applicable); purchase price; auction price and fees charged will be provided to the BMA with Quarterly Purchase Report.

VISION 2020:

Regular review of outdated and unused items allows for the efficient use of space and maintenance of City property. Effective disposal helps to ensure the maximum benefit to the City and to the environment. Where possible, green measures are taken and items are not just dumped. These steps assist in staff focusing on mission and core services, knowing and anticipating the changing needs of our customers, and clearly define the City's role versus private sector which supports the Vision 2020 goal of Service Excellence and Services Valued by our Customers.

**Declaration of Surplus City Property
October 13, 2014**

BUDGET AND STAFFING IMPACT:

Source of Funding:

The Procurement and General Services Departments will manage the auction and fixed asset disposal process. The City pays a 7.5% fee to GovDeals which includes the auction services, collection of monies and remittance of revenue back to the City.

ATTACHMENTS:

Surplus Equipment List

PREPARED BY: Cathryn Perdue

Cathryn Perdue, Assistant Procurement Director

REVIEWED BY: Reynold Douglas

Reynold Douglas, General Services Director

REVIEWED BY: Lisa A. Piefer

Lisa A. Piefer, Procurement Director

REVIEWED BY: Ralph J. Gabb

Ralph J. Gabb, Finance Director

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

The purpose of this agenda item is to declare the attached list of equipment as surplus property, thus allowing for the sale and disposal of the items.

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: October 13, 2014

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

SUBJECT: CLOSEOUT OF PROFESSIONAL SERVICES AGREEMENT- POPLAR AVE. CULVERT REPLACEMENTS

INTRODUCTION:

The purpose of this agenda item is to approve final payment of \$3,180.00 and closeout of a Professional Services Agreement (PSA) with Askew Hargraves and Harcourt (A2H) for Construction Engineering and Inspection (CEI) services related to the replacement of six (6) deteriorated culverts beneath Poplar Avenue.

BACKGROUND:

The City's FY14 Capital Improvement Program included a project that involved the replacement of six (6) failing stormwater culverts crossing beneath Poplar Avenue. The total amount budgeted for the project was \$768,068.00. On July 22, 2013, the City entered into two (2) contracts related to the project as follows:

Description	Vendor	Contract Amount	Actual Closeout Amt.
Construction	Ferrell Paving	\$676,067.55	\$534,124.51
CEI	A2H	\$92,000.00	\$95,180.00*
TOTAL		\$768,067.55	\$629,304.51

*assuming approval

Construction activities were completed in March of 2014 approximately \$142,000 below contract amount. The main reason for the savings was the recognition that one of the culvert crossings originally intended to be replaced with conventional dig and replace construction methods, could instead be replaced by trenchless construction methods that greatly reduced the time of construction and eliminated the need for multiple traffic control setups which greatly reduced construction costs.

The City has been reimbursed 100% of all project expenditures through Surface Transportation Program (STP) funds.

DISCUSSION:

Staff instructed A2H to revise plans, quantities and specification and prepare a Construction Change Order for TDOT review and approval to change one of the culvert crossings to Cured-in-Place lining replacement instead of conventional dig-and-replace construction. The change decreased the construction costs by \$141, 943.04 but increased the CEI costs by \$3,180.00 due to man-hours associated with redesign and preparation of the change order documentation.

Staff recommends approval of payment to A2H in the amount of \$3,180.00 which will closeout the project. This expenditure is 100% reimbursable.

