

# **BOARD OF MAYOR AND ALDERMEN**

May 23, 2016

The regular meeting of the Board of Mayor and Aldermen was held on Monday, May 23, 2016 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dave Klevan, Forrest Owens and Rocky Janda. Staff present: Jeff Beaman, Pam Beasley, Michele Betty, Mark Carter, Paul Chandler, Reynold Douglas, Butch Eder, Tony Fischer, Tim Gwaltney, Chief Richard Hall, David Harris, Patrick Lawton, Stephanie Logan, Bo Mills, Christy Nini, Joe Nunes, Daniel Page, Lisa Piefer, Cameron Ross, Chief John Selberg, Steve Wilensky and Debra Wiles.

## **Call to Order**

The Mayor called the meeting to order.

## **Invocation**

Public Works Director Bo Mills gave the invocation.

## **Pledge of Allegiance**

Vice Mayor Owens led the Pledge of Allegiance.

## **Approval of Agenda**

During the executive session, the Board unanimously agreed to move the following items to the Consent Agenda: #12 Fire Station Alerting System Upgrade, #13 Fire Station Alerting System Upgrade Interface, #14 Resolution 16R22 Capital Outlay, #15 Lease Agreement – Germantown Municipal School District (GMSD) Central Office, and #23 Sports Provider Agreement Extension and move #22 Certificate of Compliance Retail Package Store for Germantown Village Wine and Liquor to earlier on the agenda. There were two Add-On items to the Regular Agenda: #25 On-Call Contract for Collection of Yard Waste and #26 Amendment to On-Call Contract for Collection of Solid Waste with Waste Pro of Tennessee, Inc.

Motion by Mr. Janda, seconded by Mr. Barzizza, to approve the agenda as amended.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

## **Approval of Minutes**

There were no corrections to the minutes.

Motion by Mr. Janda, seconded by Mr. Klevan, to approve the minutes of the Board of Mayor and Aldermen meeting held May 9, 2016.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

## **Special Recognition**

### **Valedictorian Germantown High School**

Ms. Gibson asked Apurva Kanneganti to come forward. Apurva is the Valedictorian for Germantown High School Class of 2016. She scored a perfect 36 on the ACT and 2400 on the SAT. Apurva is a National Merit Scholar, a U.S. Presidential Scholar Semifinalist; she is President of five clubs at Germantown High School. She received full scholarship offers to University of Alabama, University of Texas and University of Oklahoma. She was also accepted Early Action at Harvard University, where she will be attending in the fall.

### **Valedictorian Houston High School**

Ms. Gibson asked Muhammad “Ali” Elahi to come forward. Ali is Valedictorian for Houston High School Class of 2016 with a 4.64 GPA. Ali is the president of HOSA (Future Health Professionals), captain of the Bio-Medical Debate Team, president of the Model United Nations team at Houston High School and a member of Houston’s winning Knowledge Bowl team. Ali serves on the seven-member board of the Memphis InterFaith Board of Directors, where he is the only person younger than the age of 40 to serve. Ali speaks five languages and volunteers at a free health clinic every weekend to help take vital signs and to translate for patients who do not speak English.

### **2015-2016 Germantown Performing Arts Center (GPAC) Contributors**

Mr. Chandler stated GPAC is in receipt of donations valued at \$714,230.05 in support of the 2015-2016 Season. Special recognition is given to members of the GPAC Presenters Circle, who donate at least \$1,000.00 per year with a commitment of 3 years.

GPAC Board Vice President Kathy Simonetti stated Germantown is a best practice city for multi-generations and credits GPAC as being one of the great things.

Motion by Mr. Owens, seconded by Ms. Gibson, to acknowledge gifts to the Germantown Performing Arts Center (GPAC) totaling \$487,367.20 in cash donations and in-kind contributions valued at \$226,862.85, including Annual Fund, Corporate Sponsorship, Grants, Special Events, GYSP Scholarships, and the GPAC Education Fund, for a total donation value of \$714,230.05 in support of the 2015-2016 GPAC Season, with special recognition given to members of the GPAC Presenters Circle, who donate at least \$1,000.00 per year with a commitment of 3 years.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Beautification Commission Business Award**

Vice Mayor Owens asked Wendy’s District Operations Director John Carlasare, District Manager Daniel Wamish, Executive Assistant Sue Wamish and local Manager Bobby Ware, of Wendy’s Restaurant at 7569 Poplar Avenue, and Beautification Commission member Brandy Miller to come forward. This Wendy’s location was selected by the Beautification Commission to receive the May Beautification Award by a unanimous vote. This long-time Germantown business has recently undergone renovations which have created a striking new façade and refreshed landscape.

### **EMS Coordinator Mark Carter Receives SAR EMS Commendation Medal**

Fire Chief John Selberg stated Mark Carter is recipient of the Emergency Medical Services (EMS) Commendation Medal from the Isaac Shelby Chapter of the TN Society, Sons of the American Revolution (SAR). The EMS Commendation Medal is presented to an individual for accomplishments and outstanding contributions in the area of emergency medical services. Mark has been instrumental in the development of the City’s Ambulance Service and oversees it on a daily basis.

Lt. Col (Ret) P.Z. Horton, President of the Isaac Chapter, came forward to present to Mark the medal and an award.

### **Retirement of Debra Wiles, City Attorney**

Ms. Wiles worked for 14 years with the City as an attorney with Burch Porter & Johnson, the last three of those years as City Attorney. Mayor Palazzolo thanked Ms. Wiles for her service and proclaimed May 23, 2016 as Debra A. Wiles Day throughout the City of Germantown, thereby encouraging all citizens, public officials and municipal employees to recognize and applaud her contribution to the good of this community.

Mr. Lawton stated the role of the City Attorney is extremely challenging. Over the past three years as City Attorney, Debbie has handled every aspect of this position in a professional and efficient manner. Stepping in as City Attorney following a long tenured employee, Tom Cates, is no easy feat. However, Debbie, in her own unique manner and personality, never missed a beat. The entire organization and the community at large, appreciates Debbie's accomplishments and all she has done for Germantown.

The Aldermen individually expressed their appreciation to Debbie for her guidance, honesty and calming influence. Mayor Palazzolo presented to Debbie an engraved box noting her years of service as City Attorney.

Ms. Wiles stated it has been an honor and privilege to work with the City of Germantown for 14 years. In her role, she assures the citizens it is a blessing to live in this great city. The City has outstanding leadership, staff and elected officials.

### **Alderman Liaison Reports**

Alderman Barzizza:

Senior Advisory Commission and WMC-TV hosted a Scam Prevention Seminar. There was room for 100 to attend and 100-150 had to be turned away. The Commission is preparing for the Senior Expo which will be held November 3. The Expo will be a little smaller this year due to renovations at GPAC.

Economic Development Commission guest speaker Shawn Massey from The Shopping Center Group presented interesting statistics and discussed commercial space supply versus demand. The Commission informally discussed the role of the Commission and the need to be more proactive with ideas, working with the Germantown Chamber and Economic Development staff.

Alderman Gibson:

Neighborhood Preservation Commission continues to plan for the Neighborhood Summit to be held in October. Neighborhood Coordinator Sherrye Clark and Neighborhood Services Director Joe Nunes updated the Commission on the June 1 rollout for the new waste collection contractor, Waste Pro.

Education Commission is wrapping up the school year. Commission applications for 2016-2017 are due June 8.

Board of Zoning Appeals met to discuss the Riverdale School parking plan with emphasis on necessary compromises between Germantown Municipal School District and neighbors regarding landscaping. The next step is to go before the Design Review Commission for approval.

**Alderman Klevan:**

The Germantown Community Library hosted a How-To Festival with 850 people attending in three hours. Touch a Truck and Germantown Athletic Club Chill-n-Grill were successful as well. Tennessee's Best Summer Reading Program begins May 28.

Public Safety Education Commission completed 29 safety seat inspections. Safety City application deadline has been extended to June 1.

Design Review Commission will meet to review signage for two new restaurants, Southern Social and Casablanca. Three new shops are going into Saddle Creek.

Personnel Advisory Commission subcommittees will meet in June.

**Vice Mayor Owens:**

Parks and Recreation Commission will host the Council on Accreditation for Parks and Recreation Agencies national visitation team at the June 14 summer concert in Municipal Park.

Beautification Commission will conduct work sessions June 8 and June 22 at 9 a.m. to develop their holiday decoration plans. The meeting is open to the public.

Farmer's Market at the Farm Park is held every Thursday night in June, July and August.

Reel Family Time Outdoor Movies are Friday nights. Check the City's digital magazine, the FYI, for details.

**Alderman Janda:**

The Great Hall Commission met to review the budget, sales and advertising. The lobby is currently under construction. It will be much larger than the current lobby, increasing competitiveness and bottom line.

**Mayor Palazzolo:**

GPAC will have a food truck and live music on June 4 in the GPAC Grove.

The City received a Certificate of Achievement for Excellence in Financial Reporting for our Comprehensive Annual Financial Report (CAFR) ending the year June 30, 2015. This is the 34th consecutive year the City has received this award.

Mayor Palazzolo thanked Patrick Lawton, Phil Rogers, Ric Wolbrecht and Jim Hastings for flipping close to 1,000 burgers and hot dogs last weekend at Chill-n-Grill at the Germantown Athletic Club.

**Appointment of City Attorney**

Mr. Lawton stated Ms. Wiles has announced that she will be retiring effective May 31, 2016. Debbie Wiles was appointed City Attorney by the BMA in accordance with the City's charter. In July 2014, the City approved a legal services agreement with Ms. Wiles and the firm for whom she works, Burch Porter and Johnson.

The administration recommends that the BMA consider the appointment of Mr. David Harris to serve as City Attorney and as assistant attorney for the Planning Commission. Mr. Harris is an

attorney for Burch Porter and Johnson and the terms and conditions of the legal services agreement approved by the BMA in 2014 are essentially the same with one exception, Mr. Harris will not be eligible for health insurance under the City's self funded health plan. There is no change in compensation.

Alderman Klevan stated that Mr. Harris has some unique qualities in planning and development. Mr. Harris has always been calm, level-headed and professional when interacting with all parties.

Motion by Mr. Barzizza, seconded by Mr. Owens, to appoint David Harris to serve as City Attorney for the City of Germantown and to authorize the Mayor to execute the legal services agreement with David Harris and Burch Porter and Johnson, PLLC.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Mr. Harris thanked the Board for appointing him. He stated the City Charter requires there be a City Attorney and he feels the arrangement between the firm of Burch Porter & Johnson and the City provides the resources of the entire firm to the benefit of the City.

#### **Citizens to be Heard**

No citizens came forward.

#### **CONSENT**

##### **Video Streaming Annual Maintenance – Change Order No. 1**

The Boards and Commissions application is designed to help government agencies easily manage citizen applications online. The public can easily see what Boards and Commissions exist and take the opportunity to apply for open seats from the City website. Traditionally, applying for boards and commissions is a paper heavy and labor intensive process involving emails, phone calls, public notices, multiple systems and verbal reminders at meetings. This application simplifies the entire administrative process with an online process.

MOTION: To authorize an amendment to the Granicus annual agreement to include a 3-year agreement for the Boards and Commissions application in the amount of \$4,800.00.

##### **Ambulance Billing Contract Extension**

Contract services for the past three years have met all the original contract requirements. The City has been very satisfied with the billing service provided, the collection reporting provided, and the responsiveness of the billing contractor. Therefore, staff recommends extending the contract for the final additional year.

MOTION: To enter into the second contract extension option year of the ambulance billing services contract with Credit Bureau Systems doing business as Ambulance Medical Billing.

##### **Public, Education and Government (PEG) Disbursement to Germantown Municipal School District (GMSD)**

With the formation of the Germantown Municipal School District, one of the earliest goals was to provide an instructional television program for students attending Houston High School. The PEG origination fee received from AT&T and Comcast is assigned to the GMSD for use in purchasing capital equipment.

MOTION: To authorize the transfer of funds from the PEG collected by the City to Germantown Municipal School District in the amount of \$47,591.90.

**Approval of Library Donations – Germantown Community Library**

The Library held a Silent Auction which raised \$1,012.00 for Books From Birth.

MOTION: To recognize donations made to the Germantown Community Library in the amount of \$1,012.00 and to approve Budget Adjustment Number 16-69.

**Recognition of Donation – Parks and Recreation**

The purpose of this agenda item is to recognize a donation made to the Parks and Recreation Department for the sponsorship of the summer “Reel” Family Time Outdoor Movie Night Series in the amount of \$1,600.00 and to approve Budget Adjustment No. 16-68. The “Reel” Family Time Outdoor Movie Series, sponsored by IBERIABANK, allows four movies to be shown on Friday evenings, in June at Municipal Park.

MOTION: To request recognition of proceeds benefitting the Parks and Recreation Department, as detailed above, in the amount of \$1,600.00 and to approve Budget Adjustment No. 16-68.

Ms. Gibson expressed her appreciation to IBERIABANK for sponsoring The “Reel” Family Time Outdoor Movie Series.

**Photography Policy for Oaklawn Garden and the Bobby Lanier Farm Park**

Photography studios have been allowed to use the property without restrictions or guidelines City ordinance does not allow any commercial vendor to conduct “for profit” business on City property without permission and appropriate permit.

MOTION: To approve the recommended photography policies for Oaklawn Garden and the Farm Park.

**Quad County Environmental Solutions, LLC Contract Amendment**

On March 28, 2016, the Board of Mayor and Aldermen executed a contract with Quad County for the disposal of yard trash. This contract had a commencement date of July 1, 2016. With the change in the commencement date of the solid waste collection contract with Waste Pro of Tennessee from July 1 to June 1, an amendment to the disposal contract with Quad County is also required.

MOTION: To authorize the Mayor to execute an amendment to the contract with Quad County Environmental Solutions, LLC for the disposal of yard trash with a commencement date of June 1, 2016.

**Fire Station Alerting System Upgrade**

The City contracted with Locution Systems in 2006 to replace the Fire Station alerting system that had been in place since the 80's. However, due to technology limitations of our CAD system at the time, the system has not been used as the primary dispatch system. In 2009 an upgrade to Zetron was purchased to ensure the City was in compliance with notification requirements. The Fire Station alerting system in use is at end of life and is in need of replacement.

The PrimeAlert CADVoice System upgrade will be 100% reimbursed by the Shelby County 911 District. The cost of the project upgrade will be \$175,511.00. Annual costs associated with the Standard Software Maintenance Agreement will be the City's responsibility, are expected to be \$15,898, and begin after the 1-year warranty period.

Additional funding will be requested for the interface between Locution and Tyler New World so that it is compatible with the City's CAD system. Funding for this project will be 100% reimbursed by the Shelby County 911 District.

MOTION: To authorize the purchase of PrimeAlert CADVoice System upgrade for Computer Aided Dispatch (CAD) from Locution Systems, Inc. in the amount of \$175,511.00 and declare the replaced equipment as surplus.

### **Fire Station Alerting System Upgrade Interface**

The purpose of this agenda item is to request authorization to enter into an agreement with Tyler New World to create and implement an interface between the Locution Systems Inc. PrimeAlert CADVoice System and Tyler New World Computer Aided Dispatch System (CAD) in the amount of \$15,000.00.

The interface will be 100% reimbursed by the Shelby County 911 District. The cost of the project will be \$15,000.00. Annual costs associated with the Standard Software Maintenance Agreement will be the City's responsibility and are expected to remain the same as the current annual Zetron interface expenses.

MOTION: To authorize an agreement with Tyler New World to create and implement an interface between the Locution Systems Inc. PrimeAlert CADVoice System and Tyler New World Computer Aided Dispatch System (CAD) in the amount of \$15,000.00.

### **Resolution 16R22 – Capital Outlay Notes**

Over the past two years, when it comes to major capital improvements or the lease of certain equipment such as computers, City administration and the Germantown Municipal School District (GMSD) have developed a very efficient and effective relationship and have worked through various hurdles at local and state levels. All of these purchases or financing arrangements are well documented and would not have moved forward without the approval by the Board of Mayor and Aldermen and Germantown Board of Education.

The GMSD has, and will in the foreseeable future, the need to replace computers for students and teachers on a regular basis through a lease to manage the financing. The GMSD cannot enter into a lease and, therefore, must work with the City to accomplish this goal.

What is being proposed is an interfund loan agreement between the GMSD and the City in an amount not to exceed \$900,000. Funds will come from the City's undesignated reserves where they are earning modest interest in the LGIP account. The District will repay the City the \$900,000 over 3 years at an interest rate not to exceed 1%. This interfund loan agreement will be presented to the Board of Mayor and Aldermen on June 13th. The first step in this process is for the Board of Mayor and Aldermen to authorize this course of action with review and approval of the resolution.

The resolution refers to the funding as capital outlay notes for the GMSD because in the eyes of the Comptroller, they are. Upon approval by the Board, the resolution will be sent to the State Comptrollers for their review, approval and authorization to move forward.

MOTION: To approve Resolution No. 16R22 – Resolution of the governing body of Germantown, Tennessee, authorizing the issuance, sale, and payment of interfund loan capital outlay notes not to exceed \$900,000.

**Lease Agreement – Germantown Municipal School District Central Office**

In November 2013, the City of Germantown executed a lease agreement with Sheriff, LLC for office space to house the GMSD central office staff. The lease expired in December 2015. The lease is between the landlord, Sheriff LLC, and the City of Germantown. This is a one-year lease commencing July 1, 2016 with an expiration date of June 30, 2017.

MOTION: To authorize the Mayor to execute a lease agreement with Sheriff, LLC for the GMSD central office for the period of July 1, 2016 to June 30, 2017.

**Sports Provider Agreement Extension**

The City implements contracts with sport provider organizations to provide certain athletic programs for children on athletic fields located in the City in which the Parks and Recreation Department make available. These programs are organized in conjunction and cooperation with the City. This agreement was awarded in FY15, with the option for (2) two additional one year extensions. Staff would like to extend this agreement for one additional year and recommend using this Provider through 2016.

MOTION: To approve the extension of the provider agreement for one additional year with the Germantown Football League to be the Youth Cheer and Football Provider for the City of Germantown.

Motion by Vice Mayor Owens, seconded by Ms. Gibson, to accept the consent agenda as read.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**REGULAR**

**SunGard Annual Access Agreement and Upgrade**

Mr. Fischer stated SunGard is the integrated software suite used to manage departmental operations such as HR, Payroll, Finance, Code Enforcement and Work Orders. The Board approved an upgrade to the system in 2009 that brought all users under the NaviLine ASP (Application Services Provider) hosted environment and included the implementation of additional applications. The original access agreement was for a 5-year term with a 1-year access agreement extension approved in FY16.

In keeping with the competitive process, a review team has been able to examine costs of an upgrade versus a new system to determine what best meets the City's needs. During this process, the review team determined the recommended solution would be an upgrade to the existing NaviLine platform with the addition of new applications instead of a platform change.



Motion by Mr. Janda, seconded by Ms. Gibson, to approve authorization to enter into a 5-year software access agreement and upgrade with SunGard Public Sector in an amount not to exceed \$472,085.80.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Certificate of Compliance Retail Package Store for Germantown Village Wine and Liquor – 7730 Poplar Avenue, Suite 5**

Charles and Michael Kardoush, owners of Germantown Village Wine and Liquor located at 7730 Poplar Ave., Suite 5, have presented a Certificate of Compliance Retail Package Store from the State of Tennessee Alcohol Beverage Commission to the City of Germantown for approval. State law requires holders of retail liquor stores licenses to procure a Certificate of Compliance Retail Package Store as to its location within a municipality approximately every two (2) years. The owners have completed the necessary Certificate of Compliance form and request these forms be signed by the Mayor in order to renew their licenses. The Germantown Police Department has found no criminal records or active warrants to discredit the applicants.

Motion by Mr. Barzizza, seconded by Mr. Owens, to approve the Certificate of Compliance Retail Package Store from Charles and Michael Kardoush, owners of Germantown Village Wine and Liquor located at 7730 Poplar Ave., Suite 5.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Parks and Recreation Roofing**

Mr. Butch Eder stated this is a 60 year old building and the only improvements since 2000 were interior renovations. The project will address exterior improvements including a new roof and windows, painting and rotten wood replacement.

The project was advertised on the City's website and e-mail notification was sent to 957 vendors on April 18, 2016. Three contractors attended the pre-bid meeting on April 27, 2016. Only Accent Roofing, LLC submitted a bid. Their base bid for the roof replacement was \$63,764.00. In addition, staff is recommending the acceptance of Alternate No.1 that consists of new windows, painting and rotten wood replacement at a cost of \$30,474.00 for a total project cost of \$94,238.00. Funding for this project is included in the FY16 CIP Budget and staff recommends approval.

Motion by Mr. Owens, seconded by Ms. Gibson, to authorize the Mayor to enter into a contract with Accent Roofing, LLC in the amount of \$94,238.00 for the construction of the Parks & Recreation Building roof replacement and exterior improvements and approve Budget Adjustment No. 16-72.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Contract Agreement with TDOT for Safe Routes to Schools (SRTS) Grant**

Mr. Lawton stated Safe Routes to Schools Grants are designed to improve accessibility and safety for children and parents walking or riding their bikes to school. Based on the need and the assessment by City and Germantown Municipal School District staff, Riverdale Elementary School was determined to be the best place to start and where we could see an immediate impact.

The improvements to be made include the addition of bike lanes on Poplar Estates from Brookside to Corsica and sidewalk installation from the Greenway at Wolf River along Miller Farms south to Apple Valley Road.

The action before the Board is execution of the agreement with Tennessee Department of Transportation for funding. Design, environmental and actual construction contracts will be coming in FY17.

Motion by Ms. Gibson, seconded by Mr. Barzizza, to approve a TDOT Safe Routes to School Agreement in the amount of \$132,608.00 for construction of sidewalks and bike lanes in the vicinity of Riverdale Elementary School.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Lateral G Design Supplement**

Vice Mayor Owens works for ETI and stepped down from the dais.

Mr. Tim Gwaltney stated revisions in February 2013 to the Federal Emergency Management Administration's flood insurance rate maps placed many of the existing homes and property along Lateral G south of Wolf River Boulevard (WRB) in a Special Flood Hazard Area. As a result, property owners with mortgages are now required to carry flood insurance. In an effort to alleviate this burden, the BMA instructed staff with the assistance of a design firm to provide drainage improvement alternatives that would remove these homes from the newly established SFHA.

ETI was hired by the City in July of 2013 to investigate alternatives. Phase I involved intercepting the drainage from Dogwood Grove Subdivision in a surface inlet/sub-surface piping system, conveying that stormwater northward under WRB and into Lateral G on the north (downstream) side of WRB. Phase II involved the widening of Lateral G to increase storage capacity and stabilize the banks. The plan was to construct Phase I in FY16, Phase II in FY17.

On May 12, 2014, the City entered into a PSA with ETI in the amount of \$161,412.00 for design services of Phases I & II as described above. The design and construction documents were being prepared as two separate construction projects. All permitting applications and reviews by various agencies were under review as two separate projects. In February 2016, the City decided to combine Phases I & II into a single project. At that time we estimated and informed the BMA that additional design fees of approximately \$100,000.00 would be necessary for the expedited professional services.

The actual additional design fees totaled \$107,900.00. In addition to this amount, we asked ETI to provide a fee proposal to cover all outstanding permitting fees and to provide utility and intergovernmental agency coordination on an as needed basis for the project during construction. The success of the first phase of this project, installation of a large reinforced concrete box under WRB, will be heavily dependent upon utility relocation coordination.

Multiple intergovernmental agencies are involved with this project and the key interests of each are sometimes in direct conflict. These competing interests will continue through the construction phase and staff believes it is imperative to have the Engineer of Record (ETI) on-

board to aid in these coordination efforts on an as-needed basis. ETI's fee proposal for these services is for an amount not to exceed \$24,400.00.

Motion by Mr. Klevan, seconded by Ms. Gibson, to approve Supplement No. 1 in the amount of \$132,400.00, increasing the originally approved Professional Services Agreement amount of \$161,412.00 to \$293,812.00 with ETI Corporation for design services related to the Wolf River Lateral G Drainage Improvements Project.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens- recused, Janda-yes. Motion approved.

Vice Mayor Owens returned to the dais.

### **Lateral G Cost Quote**

Mr. Gwaltney stated Lateral G is one of seven (7) major Wolf River tributaries located within Germantown. A major drainage improvement project is scheduled to commence this summer. In part, the drainage improvement project involves installation of a traditional surface inlet and underground piping system to intercept stormwater runoff from the existing Dogwood Grove residential subdivision and convey it northward under Wolf River Boulevard in a new reinforced concrete box culvert then into Lateral G on the north side of Wolf River Blvd.

The existing 30" water main is located within an MLGW easement. Therefore, the City is responsible for MLGW's costs associated with this temporary removal and replacement. During a non-peak water usage time of year, October – January, MLGW will shut down the water main, temporarily remove approximately 80 feet of the pipe, wait for the City's contractor to install our storm pipe and backfill, and then MLGW will reinstall their waterline and place it back in service. This temporary water shut down period will not affect Germantown residents.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve an MLGW cost quote in the amount of \$44,636.45 for the temporary removal and reinstallation of a 30" water main related to the City's Wolf River Lateral G Drainage Improvements project and to approve Budget Adjustment No. 16-77.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

### **Wolf River Boulevard Repaving – Construction Contract**

Mr. Gwaltney stated Wolf River Boulevard is a major east-west corridor running through the northern portion of Germantown. The older portions of the roadway are experiencing severe surface deterioration in the form of pot holes and cracking. Knowing that the roadway had reached the point of needing major reconstruction and overlay that would have used the City's entire repaving budget, in 2013 the City requested and received funding for the project from the Memphis-MPO resurfacing grouping funding source for the segments from Germantown Road to approximately Kimbrough (West End) and from Farmington Boulevard to the eastern City limits (East End). Funding for this project is 80% reimbursable. 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 develop the project.

Motion by Mr. Barzizza, seconded by Ms. Gibson, to authorize the Mayor to enter into a Construction Contract with Standard Construction Company in the amount of \$1,449,828.70 for

the Wolf River Boulevard Repaving Project from Farmington Blvd. to East City Limits (East End).

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Wolf River Boulevard Repaving – Professional Services Agreement**

Mr. Gwaltney stated the City, using qualifications based selection process, chose Fisher & Arnold (F&A) to provide Design and CEI for the project. In April 2014, the City entered into a professional services agreement with F &A to provide preliminary design/environmental phase services for the project. The environmental phase services were completed in September 2014 and the final design phase of the project was completed in March of 2016. Now that the project has reached the Construction Phase, it is time to advance F&A's services to CEI.

Motion by Ms. Gibson, seconded by Mr. Janda, to authorize the Mayor to enter into a Professional Services Agreement with Fisher & Arnold, Inc. in the amount of \$170,000.00 for Construction Engineering and Inspection services related to the Wolf River Boulevard Repaving Project from Farmington Blvd. to the East City Limits (East End).

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Resolution 16R23 – Board of Mayor and Aldermen Nepotism Policy**

Mayor Palazzolo stated a nepotism policy was put in place administratively in 2014 and did not require a vote by the Board of Mayor and Aldermen. In the interest of transparency, Mayor Palazzolo wanted the policy memorialized in the form of a resolution.

RESOLUTION NO. 16R23

A RESOLUTION TO PROHIBIT THE CITY OF GERMANTOWN FROM THE HIRING OF RELATIVES OF AN ALDERMAN OR THE MAYOR.

WHEREAS, Employment recruitment, promotion, and other personnel actions shall be made on the basis of qualifications, and

WHEREAS, The City shall strive to eliminate the potential for favoritism, personal preference and discrimination through fair employment standards, and

WHEREAS, The employment of relatives (nepotism) can create challenges with respect to fair and impartial personnel administration, and

WHEREAS, The potential for favoritism or unfairness can be more acute when the relatives of elected officials are considered for employment or employed by the City, and

WHEREAS, "Relative" is defined as any blood relation up to and including the third generation or any legal relationship such as husband, wife, mother-in-law, father-in-law, brother or sister-in-law, stepson or daughter, or any other relationship created by operation of law,

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor & Aldermen, that under no circumstance will a relative of an Alderman or the Mayor be granted employment with the City of Germantown.

Motion by Mr. Janda, seconded by Vice Mayor Owens, to adopt Resolution 16R23 which does not allow the hiring of a relative of an Alderman or the Mayor.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**On-Call Contract for Collection of Yard Waste**

Mr. Nunes stated the City has experienced in recent months an increase in the number of complaints from residents resulting from missed services during the collection of solid waste by the current contractor, Inland Waste Solutions. To ensure that solid waste is collected per the terms of the contract, the City established additional contracts to provide for on-call collection of solid waste and yard waste. The City entered into an emergency contract with Michael's Tree & Loader, LLC to provide yard waste collection on an on-call basis. This contract was approved by the Board on December 14, 2015 and an extension through June 30, 2016 was approved on April 11, 2016. The original contract authorized the expenditure of \$40,000. This was increased by the Board to \$80,000.00 and an additional \$40,000 was approved on April 25, 2016. Due to the high number of missed service complaints and solid waste collection routes not being completed there is a need to increase the authorized expenditure.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve an increase of the authorized expenditure amount from the current amount of \$120,000.00 to \$140,000.00 under the existing on-call solid waste collection contract with Michael's Tree & Loader, LLC (MTL) for the collection of yard waste.

Ms. Gibson and Mr. Barzizza expressed appreciation to Mr. Nunes and his staff for their work.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

**Amendment to On-Call Contract for Collection of Solid Waste with Waste Pro of Tennessee, Inc.**

Mr. Nunes stated the City currently has a contract with Inland Waste Solutions, LLC (Inland) for solid waste collection services. After experiencing a decline in service, the City contacted several vendors and entered into an emergency contract with Waste Pro to provide solid waste collection on an on-call basis. This contract was approved by the Board on December 14, 2015.

In recent months the City has once again experienced an increase in complaints. In order to ensure that solid waste is collected in a timely manner per the terms of the contract, the Board of Mayor and Aldermen approved an extension of the contract with Waste Pro through June 30, 2016 on April 11, 2016.

The pricing outlined in the original Waste Pro on-call contract was for a minimum per day of \$840.00 for up to ten (10) customers and each additional customer serviced after that is \$50.00 per customer. Waste Pro was contacted to review the pricing and a new price was submitted for approval. This price is \$840.00 minimum for the collection of up to ten (10) customers and \$25.00 per customer collected over 10.

This item also increases the amount of the authorized expenditure to \$200,000.00 from the current \$20,000.00 due to the significant decline in service under the current contract. Costs associated with this contract will be deducted from payments to the current contractor (Inland).

With the change in the commencement date of the solid waste collection contract with Waste Pro to June 1, 2016, there is a need to amend the termination date of the on-call collection contract to May 31, 2016.

Motion by Mr. Janda, seconded by Ms. Gibson, to authorize the Mayor to execute the attached contract amendment with Waste Pro of Tennessee, Inc. for on-call collection of solid waste (household trash, construction debris, bulky items, white goods, recyclables and yard waste) and increase the amount of the authorized expenditure to \$200,000.00.

ROLL CALL: Barzizza-yes, Gibson-yes, Klevan-yes, Owens-yes, Janda-yes. Motion approved.

Mr. Lawton provided a summary of the waste services. He expressed his appreciation for Waste Pro and Michael's Tree & Loader for stepping in. Inland for the past many months has not performed at the level the City expected. The transition period between Inland and Waste Pro has been very difficult. The City is using Waste Pro and Michael's Tree & Loader even more. In the past few weeks citizens are experiencing little to no yard waste collection and the administration wants Waste Pro to begin their contract with a clean slate. Mr. Lawton asked Mr. Mills to put in place Public Works crews to begin collecting yard debris. These crew members are skilled and professional employees who stopped what they were doing to collect the yard waste.

Vice Mayor expressed his appreciation for the Public Works crews. Mayor Palazzolo, on behalf of the Board of Mayor and Aldermen, issued to the residents a solid and solemn thank you for the great amount of patience through this entire process, as the City works through one of the most difficult contracts.

Mayor Palazzolo recognized Bo Mills as the newly elected President of the American Public Works Association which has a membership of over 30,000.

Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder