

## **BOARD OF MAYOR AND ALDERMEN**

December 10, 2018

The regular meeting of the Board of Mayor and Aldermen was held on Monday, December 10, 2018, at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: John Barzizza, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Paul Chandler, Reynold Douglas, Tim Gwaltney, Richard Hall, Jason Huisman, Angie Keathley, Parke Kennedy, Patrick Lawton, Bo Mills, Daniel Page, Cameron Ross, Emily Rozar, John Selberg and Steve Wilensky.

### **Invocation**

Reynold Douglas gave the invocation.

### **Pledge of Allegiance**

Alderman Barzizza led the Pledge of Allegiance.

### **Set Agenda**

There were no changes or edits to the agenda.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the December 10, 2018 agenda as written.

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

### **Approval of November 26, 2018 Minutes**

The minutes of the regular meeting held November 26, 2018 were approved as written.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the minutes of the Board of Mayor and Aldermen meeting held November 26, 2018.

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

### **Special Recognition**

#### **Germantown Education Commission Teacher of the Month – December 2018**

The December Teacher of the Month award winner is Mr. Jason Middlekauff. Mr. Middlekauff teaches 9<sup>th</sup> grade Honors English at Houston High School.

#### **Germantown Education Commission Youth Excellence Award – December 2018**

The December Youth Excellence Award winner is Brooke Forman, a senior at Briarcrest Christian School.

### **Alderman Liaison Reports**

The Aldermen reported on their commission activities.

### **Citizens to be Heard**

Jeff Brown, 1765 Enclave, and Marlene Strube, 7642 Foster Ridge, came forward to express their appreciation to the Board of Mayor and Aldermen for their service to the community.

Sarah and Herschel Freeman, 7684 Aphon, came forward to express their appreciation to Alderman John Barzizza for his service to the community.

Michael Stoll, 2546 Regents Walk, came forward to express his concerns about the GPAC Grove outdoor venue.

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### **CONSENT**

#### **Agreement - Wireless Transmission Facility Utility Easement Crown Castle GT Company, LLC**

Crown Castle GT Company, LLC approached the City requesting a utility easement for the existing tower in order to bring fiber to equipment servicing the tower. After legal review, it was determined that the utility easement agreement documents were in order. The City will receive a one-time payment totaling \$15,000.00 within thirty days of full execution of the proposed agreement. The utility easement agreement is in addition to the Board approved lease agreement for this site and will expire when the lease or lease extensions expire.

MOTION: To approve a utility easement agreement with Crown Castle GT Company, LLC for access to City property for an existing wireless transmission facility located at the City's water tower complex.

#### **Certificate of Compliance – Vom Fass - 2055 West Street, Suite 12**

State law requires holders of a retail liquor store license to procure a Certificate of Compliance - Retail Package Store as to its location within a municipality approximately every two (2) years. The Police Department has found no criminal record or active warrant to discredit the applicants. The Department of Economic and Community Development has found this location to be in compliance with City zoning laws.

MOTION: To approve the Certificates of Compliance - Retail Package Store for Russell R.L. Harms and Xiujie Li-Harms, owners of Vom Fass, located at 2055 West Street, Suite 12.

#### **Contract Amendment No.1 - Landscape Management & Mowing Services**

On February 26<sup>th</sup> of this year, the BMA approved a new landscape management and mowing services contract with the lowest qualified bidder, Sun Group Services, Inc. for a total amount of \$494,075.00. As a part of the bid package for landscape management and mowing services, Public Works included an alternate bid item for three leaf removal services for approximately 6 public areas and various roadway medians. Sun Group Services, Inc. provided a bid on this item but their bid only included leaf removal from the hardscape and did not include removal of leaves from the turf areas. Due to this obvious confusion, acceptance of this alternate was not recommended to the BMA. Since this leaf removal service is already being provided for all of the landscaping beds throughout the city, this additional leaf removal amendment will only add turf and hardscape areas to the current contract requirements for 6 public areas.

MOTION: To authorize Contract Amendment No. 1 of the City landscape management and mowing services contract with Sun Group Services, Inc. for leaf removal services, increasing the annual contract amount by \$15,730.00 for the remainder of FY19 and by \$23,595.00 in FY20 and FY21.

#### **Purchase – Haz-Mat ID**

The Fire Department has a hazardous materials response team that responds to Haz-Mat incidents in Germantown and the local area. The department currently utilizes a Haz-Mat ID chemical identifier to identify the chemical compounds of liquid and solid substances. The existing unit is no longer supported by the manufacturer.

MOTION: To authorize the purchase of the Haz-Mat ID chemical identifier from Point Security in the amount of \$ 53,979.27 and to declare the current Haz-Mat ID, Serial # 013900406F as surplus to be used as a trade-in.

#### **Purchase – Mobile Vision In-car Video Systems**

In-car video systems allow the Police Department to use video technology in daily field operations. The use of this equipment would enhance the ability of the department to review probable cause for arrest, arrest procedures, evaluate officer performance, identify training needs, and either substantiate or exonerate officers accused of inappropriate conduct or behavior. The equipment would also be another component of officer safety. These eight in-car video units are additional units to be installed into eight new replacement vehicles.

MOTION: To approve the purchase of eight (8) Mobile Vision Flashback HD digital in-car video surveillance

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systems from L3 Communications, Mobile Vision Inc., in the amount of \$35,960.00.

**Reimbursement Payment No. 4 - GMSD School Security Improvements**

The FY19 CIP budget includes \$500,000.00 for GMSD school security improvements. The installation of additional security cameras at each of the five school locations, cell phone boosters, and securing the campus at Houston High School were projects of immediate concern to the district. Two additional invoices have been submitted for the installation of security cameras at Houston High School.

MOTION: To approve Reimbursement Payment No. 4 in the amount of \$10,900.00 to the Germantown Municipal School District for school security improvements.

**TDOT Contract Amendment No. 2 – Safe Routes to School Phase I**

TDOT has informed the City that several municipalities from across the state are not going to be able to obligate their respective allotted SRTS grants in a timely manner. Therefore, TDOT has informed the City there are now sufficient SRTS funds available to place toward Phase I. The latest construction cost estimate is just under \$330,000.00. Amendment 2 changes the funding source from TAP (80% reimbursable) to SRTS (100% reimbursable) and recognizes the latest cost estimate by increasing the contract amount from \$295,855.00 to \$384,736.00.

MOTION: To approve Amendment No. 2 for an existing TDOT Safe Routes to School Contract Agreement (Phase I) increasing the amount from \$295,855.00 to \$384,736.00 and changing the funding source from Transportation Alternatives Program to Safe Routes to Schools.

**TDOT Contract Amendment No. 2 – Safe Routes to School Phase II**

Several municipalities from across the state informed TDOT that they would not be moving forward with their respective SRTS grants. TDOT informed staff in October of this year that there are now sufficient SRTS funds available to fully fund Germantown's SRTS project. Amendment 2, in the total amount of \$508,639.00 (100% reimbursable), reflects the new cost estimates per phase.

MOTION: To approve Amendment No. 2 for an existing TDOT Safe Routes to School Agreement (Phase II), increasing the contract amount from \$377,858.00 to \$508,639.00.

**Supplement 2 – Safe Routes to School Phases I & II**

The City originally entered into a Professional Services Agreement with the Pickering Firm on January 8, 2018 in an amount of \$33,884.76 for design services related to two (2) Safe Routes to School Grants that the City received. The design of one of the projects, known as Phase II, was completed and put out for bids earlier this summer. Design Supplement 1 in the amount of \$45,000.00 for Construction Engineering and Inspection services for Phase II was presented to and approved by the BMA on July 9, 2018. Construction bids for Phase II were rejected due to being considerably over budget. This project was placed on-hold until funding shortfall issues were addressed with TDOT. TDOT has recommended that both projects be "bundled" into a single bid package. The combination of the projects will allow for "economies of scale" benefits on some of the items with small quantities, potentially lowering construction bids. Design Supplement 2 consists of updating of plans, bid documents, cost estimates, permits and certifications, bundling into single bid package and construction engineering and inspection services for Phase I.

MOTION: To approve Supplement No. 2 in the amount of \$40,681.85 for additional services related to the City's Safe Routes to School project (Phases I & II) in the Riverdale School area, increasing the existing professional services agreement with the Pickering Firm, Inc. from \$78,884.76 to \$119,566.61 and to approve Budget Adjustment No. 19-30.

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

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

**REGULAR**

**Contract - GPAC Grove Outdoor Venue**

Construction will include demolition, renovation and expansion of the existing restrooms. A permanent covered stage and backstage will accommodate large performance groups similar to those presented in the Duncan-Williams Performance Hall at GPAC. The partially covered First Tennessee Foundation Plaza will serve as the main entrance and will comprise of the box office, guest services, and beverage and food service. The TruGreen lawn in front of the stage will be landscaped, though natural features will be maintained within the venue and many trees will remain to serve as a shady canopy for guests.

Grinder, Taber & Grinder, Inc. submitted the lowest base bid in the amount of \$2,453,757.00. Staff recommends including the selections Alternate 1 – Bathroom Addition & Renovation at a cost of \$840,158.29.00; Alternate 2 – Plaza Pavilion Canopy at a cost of \$281,083.16 and Alternate 3 – Plaza Pavilion Building at a cost of \$374,349.09 for a total award amount of \$3,949,347.54. Alternate 4 – Generator and Generator Pad along with Alternate 5 – Architectural Screen, Vehicle, and Pedestrian Gates will be rejected. Alternate 4 and Alternate 5 will be requested during FY 20 budget process to be purchased directly from suppliers and services providers by utilizing cooperative purchasing agreements. The perimeter fence around The Grove is being reevaluated in an effort to consider more safety features and to reconsider length and material.

Professional Services Supplement No. 2, which totals \$91,871.00, includes additional design fees in the amount of \$26,859.00. These fees cover a major redesign and document changes for the bathroom addition per the State Fire Marshal and complete design documents for landscape architecture and irrigation. Professional Services Supplement No. 2 also includes construction administration services in the amount of \$65,012.00 to support the City's staff during the construction phase. The \$91,871.00 fee for this proposed Supplement No. 2 brings the total cost of the Professional Services Contract for the project to \$388,012.00, which is 10% of the construction cost and is well within the customary fee for this size project.

A budget amount of \$44,000.00 has been added to the overall project for FF&E, which includes furniture for the First Tennessee Foundation Plaza, bar equipment and box office equipment. GPAC, with support from Nolan Production Group, acquired estimates for the video wall, audio equipment and lighting equipment totaling \$889,815.40.

In honoring the original arrangement between GPAC and the City, GPAC will increase its contribution for the project from \$2,000,000.00 to \$2,528,052.47. Budget Adjustment No.19-29 asks the board to consider increasing the City's contribution an additional \$528,052.47 in order to match the total contribution made by GPAC. GPAC will transfer funds totaling \$1,638,237.07 to the City by the end of FY19, which represents \$2,528,052.47 of the shared expense of The Grove project less \$889,815.40 to be paid by GPAC for the video wall, audio and lighting equipment expense.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve a construction contract with Grinder, Taber & Grinder, Inc. for the established unit pricing, the base bid and Alternates 1, 2 and 3 in the amount of \$3,949,347.54 for the construction of the Germantown Performing Arts Center Grove Project; to approve Budget Adjustment No.19-29 in the amount of \$528,052.47; to approve Professional Services Supplement No. 2 with Archimania in the amount of \$91,871.00 for additional design services and construction administration services; and to accept \$400,000.00 from Germantown Performing Arts Center.

Motion by Mr. Massey, no second, to defer approval of this item for 90 days. Motion failed.

ROLL CALL: On original motion: Barzizza-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

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Meeting adjourned.

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Mike Palazzolo, Mayor

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Michele Betty, City Clerk/Recorder