

BOARD OF MAYOR AND ALDERMEN

April 8, 2019

The regular meeting of the Board of Mayor and Aldermen was held on Monday, April 8, 2019 at 6 p.m. in the Council Chambers at City Hall.

Mayor Mike Palazzolo was present and presiding.

The following aldermen were present: Scott Sanders, Mary Anne Gibson, Dean Massey, Forrest Owens and Rocky Janda. Staff present: Pam Beasley, Michele Betty, Rodney Bright, Paul Chandler, Reynold Douglas, Sarah Goralewski, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Daniel Page, Lisa Piefer, Cameron Ross, Emily Rozar, Dr. Charles Schulz, John Selberg and Steve Wilensky.

Call To Order

The Mayor called the meeting to order.

Invocation

Bo Mills gave the invocation.

Pledge of Allegiance

Alderman Owens led the Pledge of Allegiance.

Set Agenda

During the executive session, the Board unanimously agreed to move to the regular agenda #9b Change Order No. 3 – Forest Hill-Irene Road Improvements and move #7 Special Recognitions to before #6 Citizens to Be Heard.

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

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

Approval of Minutes

There were no corrections to the minutes of the regular meeting held March 25, 2019.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the minutes of the regular meeting held March 25, 2019.

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

Special Recognition

Riverdale Middle School Cheerleading Team

This year the Riverdale Middle School cheer team competed for the first time at the state competition. Riverdale was awarded first place, which granted the team a spot to compete at the national level in Orlando in February. At the National Competition, Riverdale brought home fourth place in the Junior High Non-Tumbling division. They also competed for the first time in the World Competition and placed third overall.

Houston Middle School Cheerleading Team

The Houston Middle School cheer team competed this year in the TSSAA State Cheer Championship in the West Tennessee Sectional Competition of the Large Junior High division and earned a first place victory. This victory earned them eligibility to compete in both the National and World School Cheer Competition in Orlando in February. The team was named the National Champions for the fourth consecutive year. They came in second place in the World School Competition.

Houston High School Junior Varsity Cheerleading Team

Earlier in the season, the Junior Varsity team earned top scores at state competition, which earned the team a bid to Nationals. In February, the cheer team earned first place in the Junior Varsity Non-Tumbling Division

National Competition. In addition, the team was named the World Champions for the second consecutive year in the same division.

Houston High School Varsity Cheerleading Team

Earlier in the season, the Varsity team earned a regional championship and a first place victory in the Super Varsity Division at state competition, which earned the team a bid to Nationals. In February, the Varsity team earned second place overall in the Super Varsity Division National Competition. Also, the team was named the World Champions for the second consecutive year in the same division.

Healthier Tennessee – 2019 Silver Award

The City is a recipient of the Healthier Tennessee 2019 Silver Award from the Governor’s Foundation for Health and Wellness. This award is recognition of the City’s vision and sustained commitment to promote awareness and participation in physical activity, healthier eating habits and nicotine cessation. Germantown is one of four communities statewide to receive the award this year.

Citizens to be Heard

Toni Nygren, 1824 Johnson Rd., came forward to express her concern regarding the proposed cell tower to be located at Dogwood Elementary School.

The following residents came forward in support of the purchase of the Germantown Country Club property: Roger Schepman, 1937 Whispering Pines Dr., Paul Turner, 9295 Enclave Green and Alice Campbell, 1924 Whispering Pines Dr.

Alderman Liaison Reports

The Aldermen reported on their commission activities.

CONSENT AGENDA

Budget Adjustment – Fleet Services

These funds will be used to purchase an updated diesel engine diagnostic scan tool and replace a diagnostic scan tool purchased in 2002, which is no longer supported by the manufacturer. At this time, major diagnostic issues must be outsourced, which creates unnecessary downtime for vehicles and equipment. Determining trouble codes and diagnostic requirements are crucial parts of maintaining these engines and a new expense due to technology and emission requirements of the new diesel engines.

MOTION: To approve Budget Adjustment No.19-67, transferring funds across funds/projects in the amount of \$9,500.00.

Competitive Sealed Proposal Authorization – Video Production Services & Third Party Administrator Services

The video production services request for proposal is to invite proposals from qualified and experienced video production and videographers to provide professional video services to assist the City marketing and communications staff. The request for proposals for third party administrator services for medical, dental, vision, pharmacy and stop loss is to seek qualified firms to provide claims administration for the City’s self-insured medical, dental, vision, pharmacy and stop loss services.

MOTION: To authorize the use the competitive sealed proposal process for the procurement of video production services and third party administrator services for medical, dental, vision, pharmacy and stop loss.

Contract – Tennis Professional Services

Currently, the City has an agreement with Smashing Aces Tennis, LLC (SAT) to provide tennis services at Municipal Park tennis courts. One proposal was received from Carla Brangenberg of SAT. Staff reviewed the proposal and concluded that Carla Brangenberg of SAT would continue to provide our community with a high

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quality tennis program and a high level of professional standards.

MOTION: To authorize the Mayor to enter into a forty-eight (48) month contract with Smashing Aces Tennis, LLC to provide tennis professional services.

Contract - Video Streaming and Software Services

Video streaming services are currently accessible via the City website for the Board of Mayor and Aldermen meetings, Planning Commission meetings, Design Review Commission meetings and Germantown Municipal School District Board of Education meetings. The City has maintained the annual maintenance and managed services in place with Granicus, Inc. since implementing the system in 2009. Granicus, Inc. offers a large array of cloud-based applications to assist governments in the effort to achieve accessibility, efficiency, transparency, and engage the citizen. The boards and commissions application is designed to help government agencies easily manage citizen applications online.

MOTION: To authorize a contract with Granicus, Inc. for annual video streaming and software in the amount of \$17,090.87.

Contract – Water Tower Maintenance

The City has two elevated water tanks across the railroad tracks from the Southern Avenue Water Treatment Plant. In 2006, the Board of Mayor and Aldermen approved renovation to these water towers, which included sandblasting the interior and exterior and repainting of each structure. The cost of this renovation was \$500,000.00. In order to maintain these assets, a preventative maintenance contract was pursued by Public Works with American Tank Maintenance, LLC. Per the contract, American Tank Maintenance, LLC will provide preventative maintenance and annual inspections of both existing elevated towers for the next five years at an amount of \$81,352.00 per year. At the conclusion of the contract term, the City would retain the option to renew the contract for an additional five years.

MOTION: To approve a five-year water tower maintenance contract with option to renew after the end of the contract period with American Tank Maintenance, LLC. in the amount of \$81,352.00 per year for the maintenance of existing water towers.

Declaration - Surplus Property – Fire Department

Five 6086 MX Pro ambulance stretchers were purchased beginning in 2013. In 2018, the fire department received a FEMA Assistance to Firefighters grant to purchase power lift stretchers and power load systems from Stryker to be installed in all ambulances. The Five 6086 MX Pro ambulance stretchers will be advertised on the GovDeals auction site.

MOTION: To declare five 6086 MX Pro ambulance stretchers as surplus property, thus allowing for disposal of the equipment.

Donations – Germantown Community Library

The library works in partnership with many local organizations and individuals to provide top quality services to its patrons. The library recently received donations totaling \$1,918.00. The \$170.00 donation from the Memphis Calligraphy Guild is designated for our adult services calligraphy program. The \$50.00 donation from Gulliver’s Travel Company was given as a way of supporting our upcoming summer reading program. Kay Dibianca’s \$48.00 donation is designated for enhancing adult programming and Brenda Farley’s \$50.00 donation is for the benefit of our Next Chapter Book Club programming. The Friends of the Germantown Community Library have directed their \$1,600.00 donation be divided between summer reading programs and prizes and adult programming.

MOTION: To approve donations of \$1,918.00 to the Germantown Community Library and to approve Budget Adjustment No.19-71.

Donations – Germantown Education Commission

The Germantown Education Commission has received \$5,200.00 in donations. The donated funds will be used to fund awards for Teacher of the Month and Youth Excellence Award winners, Teacher of the Year, the Youth Excellence Scholarship and the Battle of the Brains math and science competition. The donors of the \$5,200.00 include IBERIABANK (\$3,000.00), First Capital Bank (\$1,000.00), Tower Ventures (\$1,000.00) and Grove Park Homeowners Association (\$200.00.)

MOTION: To recognize donations to the Germantown Education Commission, totaling \$5,200.00, and approve Budget Adjustment No. 19-75.

Donations – Neighborhood Preservation Commission

The Neighborhood Preservation Commission (NPC) has received donations totaling \$1,500.00 in support of the Neighborhood Tour of Remodeled Homes. This event provides homeowners with tours of home remodeling projects in the city with the hope that it will provide ideas on how their property can be remodeled. The NPC received a \$1,500.00 civic support grant from the BMA for support of NPC events. To cover additional expenses, the members of the NPC solicited sponsorship donations which this year totaled \$1,500.00. The home tour is scheduled for April 28 this year. The presenting sponsor is Fidelity Investments (\$500.00). Gold Level Sponsors, at \$250.00 each, include NFC Investments, BenchMark Mortgage, Weichert Realtors BenchMark and Heritage Builders. In-kind sponsors include Allyson Avera - Crye-Leike, Holliday Flowers and A.S. Barboro.

MOTION: To accept and recognize donations totaling \$1,500.00 to the Neighborhood Preservation Commission and approve Budget Adjustment No. 19-74.

Grant – Healthier Tennessee Communities

The City requested funding support from the Governor’s Foundation for Health and Wellness to present Eat Healthy Germantown, a series of nutrition-based educational programs. Germantown has been involved in the Healthier Tennessee Communities program since being selected as one of the state’s first pilot cities in 2015 and has remained a statewide leader.

MOTION: To approve a grant in the amount of \$2,000.00 for the Eat Healthy Germantown project and to approve Budget Adjustment No. 19-73.

Purchase - Annual Cured In Place Pipe

Cured in place pipe rehabilitation has been utilized by the City for 24 years to restore pipe integrity, improve sewer and stormwater flows and seal out ground water infiltration with minimum disruption of work sites and little to no interruption of services to the citizens and customers. The older infrastructure within the City system or traditional repetitive problem areas where excavation would be cost prohibitive is the primary focus for cured in place pipe rehabilitation.

MOTION: To authorize a contract with Insituform Technologies, LLC in an amount not to exceed a total of \$125,000.00 for the FY19 Annual Stormwater and Sanitary Sewer Cured in Place Pipe Utilities contract.

Reimbursement Payment No. 2 – GMSD Riverdale Boiler/Chiller Renovation Project

The Germantown Municipal School District (GMSD) requests a reimbursement payment, in the amount of \$189,764.43.00. for architectural design services and other expenses pertaining to the Riverdale boiler/chiller renovation project. The first reimbursement request for \$480,880.00 was approved by the BMA on January 14, 2019 for the purchase of HVAC equipment from Trane. After this second reimbursement payment, the remaining FY19 budgeted balance for this project will be \$329,355.57.

MOTION: To approve reimbursement payment No. 2 in the amount of \$189,764.43 to the Germantown Municipal School District for architectural design services and other expenses pertaining to the Riverdale Boiler/Chiller Renovation Project.

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

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

REGULAR

Resolution 19R05 – Establishing A Preliminary Agenda for the City of Germantown

Prior to 1989, the current use of a consent agenda did not exist. After thirty years, the Administration is recommending a change to this process to comport with majority rule, to create rules and guidelines establishing more efficient meetings.

Motion by Mr. Janda, seconded by Mr. Owens, to adopt Resolution 19R05.

Motion by Mr. Massey, seconded by Mr. Sanders, to appeal from the Chair's ruling that the five minute duration of debate is a rolling five minutes and the clock does not stop during answers to questions.

Question before the Board: Shall the ruling of the Chair stand as the decision of the assembly.

ROLL CALL ON THE APPEAL: Sanders-no, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Appeal failed. The Chair's ruling stands and the clock will be a rolling clock.

Motion by Mr. Massey, seconded by Mr. Sanders, to amend Resolution 19R05 by substitution.

ROLL CALL ON AMENDMENT: Sanders-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion to amend failed.

ROLL CALL ON ADOPTING RESOLUTION 19R05: Sanders-no, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Resolution 19R05 adopted as presented.

Contract – Western Gateway Sanitary Sewer System

The Small Area Plan for the Western Gateway and revisions to the Smart Code for this area were approved by the Board on November 11, 2013. This approval laid the groundwork for the rezoning of the Western Gateway. The rezoning created the potential for new development of 58 acres near the Kirby Parkway/Poplar Avenue intersection. Allen & Hoshall, Inc. contracted with the City to provide a sewer basin study and asset evaluation that included options for sewer improvements. The data indicated that the existing sewers can carry the future flows without overloading existing sewers; however, some of the pipes would be at maximum capacity. Therefore, due to the age of the sewer system and the future maximum loading of the system, it was recommended that the sanitary sewer collection system in this area be upgraded.

Motion by Mr. Owens, seconded by Mr. Janda, to authorize a contract with Memphis Boring Company, Inc. in the amount of \$1,518,719.00 for the construction of the Western Gateway sanitary sewer system project.

Motion by Mr. Massey, seconded by Mr. Sanders, to postpone the vote until the next regularly scheduled Board of Mayor and Aldermen meeting.

ROLL CALL: Sanders-yes, Gibson-no, Massey-yes, Owens-no, Janda-no. Motion failed.

ROLL CALL: On original Motion by Mr. Owens, seconded by Mr. Janda, to authorize a contract with Memphis Boring Company, Inc. in the amount of \$1,518,719.00 for the construction of the Western Gateway sanitary sewer system project.

Sanders-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

PSA Supplement No. 1 - Western Gateway Sewer System Construction Engineering And Inspection Services

On August 14, 2017, the Board of Mayor and Aldermen approved a professional services agreement (PSA) with Allen & Hoshall, Inc. totaling \$189,000.00 for engineering services for the Western Gateway sanitary sewer basin design. This PSA allowed for construction drawings for the project to be designed and developed, construction documentation and construction administration. At time of approval, it was thought that CE&I would be performed by City staff, but due to recent retirements, ongoing projects requiring an exorbitant amount of inspection time, and the design of the project requiring experienced inspectors with this specific boring technology and methodology being used, staff is requesting that the existing PSA be expanded to include CE&I services.

Motion by Mr. Janda, seconded by Ms. Gibson, to authorize change of the professional services agreement amount for the Western Gateway sewer basin design, increasing the agreement amount with Allen & Hoshall, Inc. by \$56,000.00 from \$189,000.00 to \$245,000.00 to include construction engineering and inspection services for the Western Gateway sanitary sewer system project.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2019-7 - Amendment to Subdivision Ordinance Chapter 17 – 60 Parkland Dedication – Third and Final Reading

These amendments, including all new residential projects, shall be required to contribute to parkland dedication, payment in-lieu of parkland dedication fees may be used for parks on a city-wide level and the Parks Director will review preliminary design plans. Following discussion at the March 25, 2019 Board of Mayor and Aldermen meeting, the following language was added to the end of Section 17-60(c): In determining the amount of the fee to be charged the developer, the City will consider the distance from the new residential project to the newly acquired parkland, or to the existing parkland to be improved, and ensure that the developer is charged a fee that is roughly proportional to the anticipated usage of the parkland by the residents of the new project.

Motion by Ms. Gibson, seconded by Mr. Janda, to approve on third reading Ordinance No. 2019-7, amendments to Section 17-60 (parkland dedication) of the Subdivision Ordinance in the Municipal Code.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2019-8 - Amendment to the Vegetation Ordinance Chapter 22 – Tree Preservation and Planting Requirements – Third and Final Reading

The approval of these proposed text amendments will establish the option of a payment in-lieu of tree dedication fee to a new City tree replacement account and establish the option of a cap to the payment in-lieu of dedication fee.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve on third and final reading Ordinance No. 2019-8, amendments to Sections 22-107 and -108 (tree preservation and planting requirements) of the Vegetation Ordinance in the Municipal Code.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Ordinance No. 2019-9 - Amendments to Chapter 2, Article VI, Division 2 – Purchasing – Third and Final Reading

The Procurement Department works with all City departments to complete an annual review of current procurement policies, processes and procedures. This review indicated that Division 2 - Purchasing needs to be updated to reflect the changes in the state law, governmental accounting rules as well as minor text changes.

These changes include purchasing expenditures, contract change orders, methods of disposal and competitive sealed proposals. Per T.C.A. 12-3-1212, the final step in this process is to adopt by resolution the City's Administrative Policies and Procedures for Procurement.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve No. Ordinance 2019-9 with the proposed amendments to modify Chapter 2, Article VI, Division 2 – Purchasing of the Germantown Code of Ordinances.

ROLL CALL: Sanders-no, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Resolution No. 19R04 - Procurement Administrative Policies and Procedures

Resolution No.19R04 Procurement Administrative Policies and Procedures is consistent and supportive of the Board's action on Ordinance No. 2019-9 Amendments to Chapter 2, Article VI, Division 2 Purchasing.

Motion by Mr. Sanders, seconded by Mr. Janda, to adopt Resolution No. 19R-04 - Procurement Administrative Policies and Procedures in accordance with the adopted amendments to Ordinance No. 2019-9 Amendments to Chapter 2, Article VI, Division 2 Purchasing.

ROLL CALL: Sanders-yes, Gibson-yes, Massey-no, Owens-yes, Janda-yes. Motion approved.

Change Order No. 3 – Forest Hill-Irene Road Improvements

The segment of Forest Hill-Irene Road from Forest Downs to Poplar Pike contains the new Forest Hill Elementary School. This segment must be completed to coincide with school opening which is scheduled for August 2019. The entire roadway must be completed by February 2020. Change Order No. 3 recommends the complete replacement of existing water services from the mainline to the newly installed water meters. The original plan was to splice a new copper line onto the existing water service lines at the original water meter location, then extend with new copper line to the new water meter location. This new plan will provide our customers with a better finished product and should provide less maintenance efforts for our Public Works Department. The cost of the original plan was \$10,500.00. The cost of the new plan is \$31,804.60, resulting in a net add to the contract of \$21,304.60.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Change Order No. 3 in the amount of \$21,304.60, increasing the construction contract for the Forest Hill-Irene Roadway Improvements Project with Acuff Enterprises dba Scott Contractors from \$6,151,416.55 to \$6,172,721.15.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder