

BOARD OF MAYOR AND ALDERMEN

May 11, 2020

The regular meeting of the Board of Mayor and Aldermen was held on Monday, May 11, 2020, at 6 p.m. via live streaming. Meeting electronically was necessary to protect public health, safety and welfare in light of the COVID-19 pandemic.

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: Michele Betty, Tony Fischer, Jason Huisman, Patrick Lawton, Mac McCarroll, Bo Mills, Adrienne Royals and John Selberg.

Call to Order

The Mayor called the meeting to order.

Invocation

The invocation was led by City Administrator Patrick Lawton.

Statement from Mayor Palazzolo

All local governing bodies in the State of Tennessee have been impacted by the COVID-19 pandemic. Germantown is no exception. In an effort to carry out its governance and operational responsibilities lawfully, and effectively, while also considering the protection of public health, safety and welfare, the Germantown City Administration has taken steps to conduct Board of Mayor and Aldermen and other public meetings electronically. These actions were taken in response to Governor Bill Lee's Executive Order 16, reaffirmed recently in Executive Order 34, which suspended the requirements of the Tennessee Open Meetings Act to the extent necessary to allow governing bodies subject to the act to meet and conduct essential business by electronic means.

The Germantown Board of Mayor and Aldermen has determined that meeting electronically is necessary to protect the health, safety and welfare of its citizens in light of the COVID-19 pandemic.

Further, notice of such electronic meetings has been, and will continue to be, published in the same manner as is currently used for regular meetings. The public is also, and will continue to be, able to view the agenda and have live access to the actual meetings by electronic means, by logging in to Germantown's website, and by clicking the appropriate link. Video recordings of the meetings will be made available as soon as practicable after each meeting on the City's website at www.germantown-tn.gov.

These measures are temporary, and are due to expire no later than June 30, 2020, unless further action is taken by Governor Lee.

Set Agenda

The Board was asked to set the agenda for the meeting.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the May 11, 2020 agenda.

Motion by Mr. Sanders, seconded by Ms. Gibson, to move to the regular agenda item #7d Contract Amendment No. 3 and Extension No. 3 – Library Services Agreement and item #7f Professional Services Agreement – Elevated Tower Design and Inspection.

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

Motion by Mr. Janda, seconded by Ms. Gibson, to approve the May 11, 2020 agenda as amended.

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

Approval of Minutes

Approval was requested of the minutes of the regular meeting held April 27, 2020. Due to adjustments and modifications, the Administration pulled this item from the agenda. The minutes of the regular meeting held April 27, 2020 will be added to the June 8, 2020 regular meeting.

Citizens to be Heard

One email was received. The individual did not follow instructions to be heard. The individual did not provide address and phone number.

PRELIMINARY AGENDA

Acceptance - Amended Germantown Performing Arts Center Bylaws

The bylaws state that any amendment to the bylaws shall not become effective until approved by the Board of Mayor and Aldermen. On April 21, 2020, the GPAC Board of Directors agreed to amend Article III by inserting: Article III, section 2a – i: On April 21, 2020, and in an effort to maintain continuity and the experience of the current membership, the board of directors agreed to amend the bylaws to allow any director whose term was set to expire on June 30, 2020, to remain as a director until June 30, 2021. This unique and one-time circumstance was caused by the 2020 COVID-19 pandemic.

MOTION: To approve the amended GPAC Bylaws dated April 21, 2020.

Agreement - Tyler ExecuTime Annual Software as a Service

On May 23, 2016, the Board approved a five-year annual access agreement and upgrade to the City's integrated public administration software suite used to manage departmental operations from CentralSquare Technologies. This upgrade included implementation and cloud services for a third-party electronic time and attendance software, ExecuTime. In 2019, the third-party company was acquired by Tyler Technologies. Purchase of the ExecuTime software company requires that all cloud services migrate to the Tyler Technologies cloud environment. Products and services can no longer be resold by CentralSquare Technologies and will be provided directly from Tyler Technologies. Migration will be at no additional cost to the City and annual expenses identified in the original agreement with CentralSquare Technologies will not increase during the 3-year term. Annual cloud service fees include licensing, maintenance, support services, and will continue to interface with CentralSquare payroll module as it has prior to the migration.

MOTION: To authorize year one of a three-year software as a service (SaaS) agreement with Tyler Technologies in the amount of \$33,900.00.

Change Order No. 1 – Repair and Cleaning of Well No. 2, Further Investigation of Well No. 7 and No. 8 at the Southern Avenue WTP and Preventative Maintenance and Testing of all Wells and High Service Pumps

The City's last maintenance report indicated that Wells No. 2, No. 7 and No. 8 at the Southern Avenue Water Treatment Plant were in need of pulling for inspection and repairs. National Water Services (NWS) discovered that several internal parts, machine work, bearings and shafts required repairs of Well No. 2 at the Southern Avenue Water Treatment Plant. After a television inspection was performed, an obstruction of possible infill was identified in the column shaft of both Well No. 7 and No. 8. Further investigation and inspection is needed in order to isolate the cause of the obstruction in order to offer a timely repair. Well No. 2 was also in need of cleaning using the high velocity injection rehabilitation process. Annual preventative maintenance and testing is scheduled for the last quarter of FY20 to prioritize maintenance and repairs for next fiscal year.

MOTION: To authorize Change Order No. 1 for National Water Services to repair and clean Well No. 2; provide further investigation of Well No. 7 and No. 8 at the Southern Avenue Water Treatment Plant; and perform preventative maintenance and testing of all wells and high service pumps in accordance with the Well and Pump Maintenance and Repair Agreement in the total amount of \$119,223.75.

Proclamation – National Public Works Week

Mayor Palazzolo proclaimed May 17 – 23, 2020 as Public Works Week in Germantown.

Purchase - Outdoor Pool House HVAC Replacement

The outdoor pool house was constructed in 2001 as part of the Germantown Centre Expansion project. Included within the construction of the pool house was the installation of HVAC equipment which is a make-up air unit (MAU). This MAU provides cooling, heating, and dehumidification by utilizing 100% outdoor air in order to ensure that no interior space air is re-circulated. Areas within the outdoor pool house that are served by the MAU are the locker rooms, check-in kiosk, concessions, office, and electrical/network server room. Currently, the refrigerant coils and piping that are associated with the HVAC processes has deteriorated beyond the feasibility to repair.

MOTION: To authorize the purchase and installation of a Trane HVAC unit to replace the existing unit on the outdoor pool house at the Germantown Athletic Club in the total amount of \$49,841.00.

Sewer Easement - Kirby Parkway Professional Condominiums Association, Inc.

The scope of the Western Gateway Sanitary Sewer System Project consists of taking the sanitary sewer from the Carrefour development eastward following along the railroad the length of the southern border of the Kirby Professional Condominium Association's property and turning northward along the eastern side of the TraVure property. The sewer main will continue northward under Poplar Avenue and across the street to Oak Hill Road. The proposed main will continue northward until taking a turn eastward along Great Oaks Road. The proposed main will then go along the Great Oaks Road bridge over the concrete drainage ditch and reach the proposed point of terminus at Brookside Drive. At this point of collection the sewer will coalesce with other sewers in the area and continue northward in existing mains to the Memphis outfall close to Poplar Estates Park. Kirby Parkway Professional Condominiums Association, Inc. has agreed to the easement.

MOTION: To approve a sewer easement agreement with Kirby Parkway Professional Condominiums Association Incorporated.

Sewer Easement - Westminster Properties, LLC

The scope of the Western Gateway Sanitary Sewer System Project consists of taking the sanitary sewer from the Carrefour development eastward following along the railroad the length of the southern border of the Westminster Properties property and turning northward along the eastern side of the TraVure property. The sewer main will continue northward under Poplar Avenue and across the street to Oak Hill Road. The proposed main will continue northward until taking a turn eastward along Great Oaks Road. The proposed main will then go along the Great Oaks Road bridge over the concrete drainage ditch and reach the proposed point of terminus at Brookside Drive. At this point of collection the sewer will coalesce with other sewer in the area and continue northward in existing mains to the Memphis outfall close to Poplar Estates Park. Westminster Properties, LLC has agreed to the easement.

MOTION: To approve a sewer easement agreement with Westminster Properties, LLC.

Motion by Mr. Janda, seconded by Mr. Sanders, to approve the preliminary agenda as read.

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

REGULAR

Resolution No. 20R04 - A Resolution to Adopt a Continuing Appropriation and Budget for Fiscal Year 2020

The COVID-19 pandemic has resulted in significant losses to the City's consumption-based, elastic revenues, such as sales and hotel/motel taxes. This sudden, precipitous decline has drastically impacted the current year's budget and will have ramifications well after July 1, 2020. Tennessee Code Annotated 6-56-210 states, "If for any reason a budget is not adopted prior to the beginning of the next fiscal year, the appropriations for the last fiscal year shall become the appropriations the next fiscal year until the adoption of the new budget ordinance." Section 9.07 of the City of Germantown Charter contains similar language.

Because of the uncertainty regarding revenue projections to support operating and capital expenditures in FY21, the FAC and City Administration are recommending that the BMA adopt Resolution No. 20R04 for the present time. Armed with actual revenue collections for the economically-distressed months of March and April, and better economic forecast models, City Administration will be able to provide the BMA with a more accurate budget for the entirety of FY21 during the first quarter of the fiscal year.

Motion by Mr. Janda, seconded by Ms. Gibson, to adopt Resolution No. 20R04, continuing the amounts set in the FY20 Appropriations and Budget until the FY21 Appropriations and Budget is adopted.

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

Ordinance No. 2020-2 - Year-end Budget Adjustments - First Reading

At the end of the fiscal year, a number of year-end budget adjustments are required to be made in order to avoid budget and fund overruns in the various funds. Typically, at year-end, a number of budget adjustments are made to the various City funds, which realign operating expenses/expenditures accounts with actual activity. They recognize various overruns, underruns, project acceleration and deferrals that have already received the Board of Mayor and Aldermen's approval.

Motion by Mr. Janda, seconded by Ms. Gibson, to approve Ordinance No. 2020-2 for year-end budget adjustments on first reading and set Monday June 8, 2020 for second reading and public hearing.

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

Ordinance No. 2020-4 - Germantown Municipal School District Year-end Budget Adjustments - First Reading

At the end of the fiscal year, a number of year-end budget adjustments are required to be made in order to avoid budget and fund overruns in the various funds for the Germantown Municipal School District (GMSD.) The GMSD yearly budget adjustments have been approved by the Germantown Municipal School Board. However, the Germantown Municipal School District is a Special Revenue Fund of the City of Germantown and will appear in the Comprehensive Annual Financial Report (CAFR) as of June 30, 2020. Therefore, the City of Germantown Board of Mayor and Alderman must approve any yearly budget adjustments. Any adjustments made are following the State of Tennessee Guidelines for school districts and adhere to generally accepted accounting principles guidelines.

Motion by Ms. Gibson, seconded by Mr. Owens, to approve Ordinance No. 2020-4 for Germantown Municipal School District year-end budget adjustments on first reading, and set Monday, June 8, 2020, for second reading and public hearing.

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

Contract Amendment No. 3 and Extension No. 3 - Library Services Agreement

With the current contract with LS&S set to expire on June 30, 2020, the City is exercising the final option to extend the existing library operations contract for an additional 12 months. Due to the current COVID-19 pandemic, the libraries have been closed. During this time, City staff has worked with LS&S to adjust contract costs while these facilities are closed. LS&S provided adjustments for acquisitions and part-time salaries beginning April 15, 2020. Contract Amendment No. 3 reflects these changes and also allows, if needed, for these changes to remain in effect for the FY21 Contract Extension.

Motion by Ms. Gibson, seconded by Mr. Sanders, to approve Contract Amendment No. 3 to account for any adjustments that need to be made due to the extension of Safer at Home orders and continued closure of the libraries; and to extend the existing Library Services Agreement with LSSI, Inc. for the period of July 1, 2020 through June 30, 2021 in the amount of \$1,413,182.00.

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

Professional Services Agreement - Elevated Tower Design and Inspection

At the February 24th BMA meeting, the Board approved a land swap agreement in which the City acquired five acres of land just east of an existing cell phone tower at 3176 Forest Hill Irene Road to site the proposed elevated water tower. The first step in moving forward with this project at this recently acquired location is to procure an experienced engineering design firm to provide the engineering plans, specifications and construction inspection services for the design and construction of the tower.

Motion by Mr. Owens, seconded by Ms. Gibson, to approve a Professional Service Agreement (PSA) with A2H, Inc. in the amount of \$233,800.00 for engineering and construction inspection services related to the design of an elevated water tower.

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

Meeting adjourned.

Mike Palazzolo, Mayor

Michele Betty, City Clerk/Recorder