

## **BOARD OF MAYOR AND ALDERMEN**

**August 23, 2010**

A regular meeting of the Board of Mayor and Aldermen was held on August 23, 2010 at 6:00 p.m. in the Council Chambers of the Municipal Center.

Mayor Sharon Goldsworthy was present and presiding.

The following Aldermen were present: Mark Billingsley, Ernest Chism, John Drinnon, Carole Hinely, and Mike Palazzolo. Staff present: Patrick Lawton, George Brogdon, Kristen Geiger, Tom Cates, Chief Richard Hall, Pam Beasley, Jerry Cook, Bo Mills, Lisa Piefer, Ralph Gabb, Butch Eder, Tim Gwaltney, Joe Nunes, Michael Stoll, and Dotty Johnson.

### **Call to Order**

Mayor Goldsworthy called the meeting to order at 6:00 p.m.

### **Invocation**

Community Development Director Jerry Cook gave the invocation.

### **Pledge of Allegiance**

Alderman Mark Billingsley led the Pledge of Allegiance.

### **Approval of Agenda**

Mayor Goldsworthy stated that item number 13(Funding for Public Education on Metro Government) had been removed from the agenda.

Alderman Billingsley asked for a brief update at the end of the meeting on the status of the questions that were asked regarding the ambulance service.

City Administrator Patrick Lawton asked to make a change on the Consent Agenda, item 14e (Retirement Plan and OPEB Custodial Services). The motion should read "To approve the recommendation of the selection team to change custodial providers to U.S. Bank for a period of 3 years with 3 one-year options."

Motion by Mr. Drinnon, seconded by Ms. Hinely, to adopt the agenda as amended.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon-yes, Hinely-yes, Palazzolo-yes. Motion approved.

### **Approval of Minutes**

There were no corrections or additions to the minutes.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to approve the minutes of the Board of Mayor and Aldermen meeting held August 9, 2010.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon-yes, Hinely-yes, Palazzolo-yes. Motion approved.

### **Acceptance of Donation to Germantown Animal Shelter**

Mr. Lawton stated on August 21, 2010, at the Germantown Animal Shelter twelve-year old Ms. Sophie Levy, with the aid of her parents, held a garage sale and raised \$2,500.00. Ms. Levy and her mother are regular volunteers at the Animal Shelter and Sophie realized the cats needed a place to sun themselves and felt the construction of a window seat would be a great way to accomplish this.

Ms. Levy presented Mayor Goldsworthy with a check. The Mayor, on behalf of the Board of Mayor and Aldermen, thanked Ms. Levy and her parents as well as the staff who volunteered to help with the garage sale.

Motion by Ms. Hinely, seconded by Mr. Drinnon, to accept the donation in the amount of \$2,500.00 from Sophie Levy for the purchase and installation of a window seat in the cat room at the Germantown Animal Shelter.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon–yes, Hinely–yes, Palazzolo–yes. Motion approved.

### **Beautification Commission Business Award**

Alderman Palazzolo came forward to present Mr. Ken Taylor the property manager of the Shops of Saddle Creek North. Ms. Jackie Clift was the commission member responsible for making the recommendation to the commission. Mr. Taylor thanked the City for the recognition.

### **Citizens to be Heard**

No citizens came forward.

Mayor Goldsworthy recessed the Board of Mayor and Aldermen meeting and convened as a Beer Board.

### **BEER BOARD**

#### **Public Hearing – Beer Permit – Petra Cafe**

City Administrator Patrick Lawton explained that Mr. Jamal Douba, the owner of Petra Café at 6641 Poplar #101, had applied for a beer permit for on-premise consumption. The Police Department had done a background check and found no records or outstanding warrants on the applicant.

Mayor Goldsworthy opened the public hearing. Having no one come forward, the public hearing was concluded.

Motion by Mr. Billingsley, seconded by Ms. Hinely, to approve the request from Jamal Douba, owner of Petra Café, for a permit to sell beer for on-premise consumption.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon–no, Hinely–yes, Palazzolo–yes. Motion approved.

Mayor Goldsworthy adjourned the Beer Board and reconvened as the Board of Mayor and Aldermen.

### **BOARD OF MAYOR AND ALDERMEN**

#### **Emergency Purchase – East Bridge Ditch Repair (Lateral F)**

Director of Public Services Bo Mills stated one of the sidewall panels of the East Bridge Drainage Ditch was in need of emergency repair. The thirty-foot wide by eight-foot tall panel is leaning into the ditch and is subject to fail in the near future. Hamilton-Elles has made similar stabilization repairs to other areas of this ditch. The scope of the agreement is for demolition of the existing panels, pouring new concrete footings and walls, excavation and backfilling of dirt behind the wall and replacement of chain link and wood fencing for the resident at 2037 North Bridge.

Motion by Mr. Billingsley, seconded by Mr. Chism, to contract with Hamilton-Elles, Inc. for emergency repairs to the East Bridge Ditch in the amount of \$19,500.00 and approve Budget Adjustment No. 11-13.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon–yes, Hinely–yes, Palazzolo–yes. Motion approved.

**Poplar Ave. Widening – Water Main Relocation & Upgrade**

Mr. Mills stated with the widening of Poplar Avenue between Miller Farms Road and Dogwood Road by the Tennessee Department of Transportation (TDOT) the City can capitalize on this construction process and remove and replace about 2000 feet of transite composition water mains. Repairs to this type of water main are very difficult as the pipe is so brittle that compression repair wraps often continue to break the pipe.

In response to a question from Alderman Billingsley, Mr. Mills stated there would be some impact on the citizens and businesses in the area but it would be kept at a minimum and they would be notified. Since this water main feeds the hospital it was imperative to replace it. The existing system will be kept in place until the new system is up, tested and ready and then be switched over.

Mr. Lawton stated the City would keep the residents and businesses informed with public notices and town hall meetings regarding the construction and any interruption of business so that they are aware.

Motion by Mr. Chism, seconded by Ms. Hinely, to approve the cost of relocating and upgrading existing water mains in conjunction with the Tennessee Department of Transportation's Project to widen Poplar Avenue from Miller Farms Road to Dogwood in the amount of \$195,822.50 and to approve Budget Adjustment No. 11-17.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon-yes, Hinely-yes, Palazzolo-yes. Motion approved.

**Farmington Boulevard Reconstruction Phase I – American Recovery and Reinvestment Act (ARRA)**

City Engineer Tim Gwaltney stated that the allocated American Recovery and Reinvestment Act (ARRA) funding made available to the City was only sufficient to award the Base Bid plus Alternate 1. The City entered into a construction contract with Ferrell Paving from Kilbirnie Dr. to Allen Court.

Change Order No.1 involves a reduction in the contract due to a portion of the existing sub-base toward the eastern end of the project was in better condition than originally thought. The change in the contract resulted in a deduction of \$84,688.04 from the original contract amount.

Change Order No. 2 involved the paving of Farmington from Allen Court to Allenby. The Memphis Metropolitan Planning Organization (MPO) announced that approximately \$2 million of ARRA funding was available for reallocation and the City immediately requested additional funds sufficient to award Alternate 2 (Allen Court to Allenby).

Change Order No. 3 involved the paving of Farmington from Kilbirnie to Wolf River Blvd. In addition to mill and overlay of this segment, installation of a sidewalk on the north side of Farmington to connect Cameron Brown Park to Wolf River Blvd. is included. The construction cost increase and the fee increase for CE&I services is also 100% reimbursable.

In response to a question from Alderman Drinnon, Mr. Gwaltney stated that any time there are ARRA projects it is required that we pay for signs to be placed on site at the cost of about \$250 each.

Motion by Mr. Palazzolo, seconded by Ms. Hinely, to authorize the approval of Change Orders 1, 2 and 3 to an existing construction contract with Ferrell Paving, Inc. for the Farmington Boulevard Reconstruction Phase I project, increasing the contract amount by \$346,345.16 (100% reimbursable) and to approve Budget Adjustment No. 11-18.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon-yes, Hinely-yes, Palazzolo-yes. Motion approved.

**Funding for Public Education for Metro Government - REMOVED**

**Discussion on Ambulance Service**

Mr. Lawton stated the Fire Department and Finance Department had been looking at the numbers to make sure they are in line with the assumptions in collection, billing, equipment, timing, etc. The question of timing had also been brought up with the prospect of consolidation and what it might do to our timing. He stated it was his understanding that the county is going to honor all the inter-governmental contracts that it has with the municipalities which would also include the ambulance service. The County Attorney had assured us that this would certainly be the case here. The transition period would also impact our contract with the county and the County Attorney said that date had been extended from 2012 to 2014. The contract with the county expires on June 30, 2012 so there is that flexibility built into the schedule in terms of any type of implementation.

Mr. Lawton stated it was his and Chief Wolf's recommendation that the Board consider this as a discussion and policy decision at the retreat that is being planned for January of 2011.

Alderman Billingsley asked if this decision is delayed until the retreat in January of 2011, how far would that put us behind relative to the time-line that was previously discussed.

Mr. Lawton stated he felt if the Board looks at this as a policy decision in January, and the direction would be to have things in place at the beginning of the next fiscal year, we could still meet that in terms of looking at equipment and personnel. It would not put us any further behind in terms of decisions that would have to be made at that time.

Alderman Billingsley complimented the Mayor, the Fire Chief, and City Administrator for their proactive efforts for consideration of ambulance service.

**CONSENT AGENDA**

**Competitive Sealed Proposal Authorization – Solid Waste Collection and Disposal**

The City procurement policies and practices require the use of competitive sealed bids for the purchase of most goods and services. In some cases, the competitive sealed bid process may be either impractical or not otherwise advantageous to the City. In such cases, the Board may authorize the use of the competitive sealed proposal process.

The City's solid waste collection and disposal contracts expire on June 30, 2011. With changes in equipment, routing and tracking technology, and various collection methods, the competitive sealed proposal process enables the City to explore various alternatives that will meet the service expectations of the residents.

MOTION: To authorize the City to use the competitive sealed proposal process to identify alternative solutions for the collection and disposal of municipal solid waste.

**Project Development Contract No. 1176 – Lot 9, Forest Hill-Irene Commercial Subdivision**

This request is for approval for a 5,000 square foot medical office building located on the eastern side of Centre Oak Way at the western terminus of Forest Centre Drive.

MOTION: To approve the Project Development Contract No. 1176 for Lot 9 of the Forest Hill-Irene Commercial Subdivision.

**Riverdale Playground Budget Adjustment**

During the construction and installation of the new playground at Riverdale Park, concrete and asphalt were needed quickly since the project was under a tight time schedule for completion before the start of the new school year.

This budget adjustment will allow for the budget currently under Fund 36 (Parks – Capital) for the Riverdale Playground project to be moved and budgeted under State Street Aid for this project. It also authorizes the use of CIP Contingency funds for the higher-than-anticipated costs for fibar, playground safety surface, and poured-in-place rubber surface.

MOTION: To approve Budget Adjustment No. 11-15.

**Supplemental Professional Services Agreement – Farmington Blvd. Reconstruction Phase I**

This is a supplement to an agreement with the Pickering Firm for Construction Engineering and Inspection Services related to the Farmington Boulevard Reconstruction Phase 1 project. Increasing the limits of the project increased the construction duration by an additional 18 working days. The request is for an additional \$15,235.37.

Motion: To authorize the approval of a supplement to Professional Services Agreement with The Pickering Firm, Inc. in the amount of \$15,235.37 for additional Construction Engineering and Inspection services related to Farmington Boulevard Reconstruction Phase I and to approve Budget Adjustment 11-21.

**Retirement Plan and OPEB Custodial Services**

The City sent out a Request for Proposal (RFP) for custodial services on the Retirement and OPEB Trust accounts to eleven financial institutions. August 13<sup>th</sup> was set as a date to select a vendor from the financial institutions bidding on the City's trust services with final approval from the Board.

After careful consideration of the financial institutions submitting proposals; the selection team recommends that U.S. Bank Institutional Trust and Custody provide the custodial services to the retirement and OPEB Trust funds for a period of 3 years with an option to extend the contract with two, one year options. The cost to provide custodial services is estimated to be \$16,910.00 for the first year.

MOTION: To approve the recommendation of the selection team to change custodial providers to U.S. Bank for a period of 3 years with 3, one year options.

**Resolution 10R15 – Approving Co-location of Wireless Transmission Facilities**

This resolution will grant approval for Verizon Wireless to install antennas at the 97 foot elevation and to add equipment within the compound at the base of the tower.

MOTION: To approve resolution 10R15 for the co-location of Verizon Wireless Transmission Facilities at 8594 Farmington Blvd.

Motion by Mr. Drinnon, seconded by Ms. Hinely, to accept the consent agenda as presented.

ROLL CALL: Chism – yes, Billingsley–yes, Drinnon–yes, Hinely–yes, Palazzolo–yes. Motion approved.

**ADJOURNMENT**

There being no further business to be brought before the Board, the meeting was adjourned.