

AGENDA FOR TUESDAY, AUGUST 12, 2008

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Gaines)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) 2008-111 Dale M. Smith (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift Conditions 1, 2, 3, and 5 imposed in Ordinance No. 8902 (Case No. MR-1986-242) on an alley closed by said ordinance and located within the property at 4101 Calhoun Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning. Deferred from 7-15-08.)**
- VI. Ordinances – First Reading:
 - a) 2008-094 Dennis Neal, Habitat for Humanity (from M-2 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located in the 2300 block of East 19th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from M-2 Light Industrial Zone to R-1 Residential Zone. **(Request was for RT-1 Residential Townhouse Zone on 6-10-08, but referred back to Planning as R-1 Residential Zone. Recommended for approval by Planning.)**
 - b) 2008-103 Southeast Local Development Corporation, c/o Joe Guthrie (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 1100 blocks of 10th Street and 11th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for deferral by Staff until the MLK Plan is adopted.)**

2008-103 Southeast Local Development Corporation, c/o Joe Guthrie (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 1100 blocks of 10th Street and 11th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

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- c) 2008-126 William J. Patterson, Jr. (from R-3 and O-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located in the 200 block of Forest Avenue and 109 Hartman Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone and O-1 Office Zone to R-4 Special Zone. **(Not recommended for approval by Planning - see alternate version.)**

2008-126 William J. Patterson, Jr. (from R-3 and O-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located in the 200 block of Forest Avenue and 109 Hartman Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone and O-1 Office Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- d) 2008-131 Bowman & Associates (from R-1 and R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 8509 and 8515 East Brainerd Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning - see alternate version.)**

2008-131 Bowman & Associates (from R-1 and R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 8509 and 8515 East Brainerd Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

VII. Resolutions:

- a) A resolution expressing the intent of the City of Chattanooga to issue bonds in the aggregate amount not to exceed \$20,000,000.00 of the City of Chattanooga, Tennessee for the purpose of paying all or a portion of the costs of the following: North Shore Garage; New ERP Software System; Road Improvements - Goodwin Drive; Riverfront Parkway Modification; Road Improvements - Northpoint Boulevard Extension; Road Improvements - Hudson Road; Road Improvements - Boynton Drive Third Street Bridge; Pavement Management; Shallowford Road Gunbarrel to Jenkins; Warner Park Improvements; "Summit of Softball" Sports Complex; Apparatus/Fire Pumper; Fire Station Replacement; and Burn Building.
- b) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an amendment to its agreement with Lose & Associates for construction documents for the redevelopment of Warner Park and its ballfield, which amendment increases the contract amount by \$15,000.00, for a revised contract amount not to exceed \$285,000.00.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an agreement with Architect & Associates, Inc. for the Greenway Farm Building Project in an amount not to exceed 7% of the construction costs, reimbursement of reasonable expenses, plus 1.5% of said reasonable expenses.

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- d) A resolution authorizing the Administrator of the Department of Parks and Recreation to execute a Conservation Agreement with the Trust for Public Land in an amount not to exceed \$100,000.00, to be paid in four (4) quarterly installments of \$25,000.00 each, relative to the Chattanooga Greenways Program, for a term beginning July 1, 2008 through June 30, 2009, subject to approval as to form by the City Attorney's Office.
- e) A resolution authorizing the execution of Change Order No. 2 (Final) relative to the contract with Consolidated Technologies, Inc. for construction of the Phase I-Stage B Cap and Phase II Gas Collection System approved by Resolution Nos. 21772 and 22076, which change order decreases the contract amount by \$74,672.52, for a revised contract amount not to exceed \$344,597.48.
- f) A resolution authorizing the execution of Change Order No. 1 (Final) relative to Contact No. W-06-002-201, The City Landfill at Birchwood Area 3, Phase 1 Liner, with Wright Brothers Construction Company, Inc., which change order decreases the contract amount by \$171,255.00, for a revised contract amount not to exceed \$9,171,150.01.
- g) A resolution authorizing the execution of Change Order No. 1 (Final) relative to the contract with Consolidated Technologies, Inc. for The City Landfill at Birchwood Area 3, Phase 1 Liner approved by Resolution No. 24575, which change order increases the contract amount by \$72,400.00, for a revised contract amount not to exceed \$412,054.00.
- h) A resolution authorizing the Mayor to enter into a Personal Services Contract with Michael L. Feely to coordinate initiatives and act as a liaison with Hispanic and homeless populations of Chattanooga to establish and nurture relationships with organizations representing the rights and/or interests of said populations, for the period of September 1, 2008 through August 31, 2009 in an amount not to exceed \$22,000.00 per year.
- i) A resolution authorizing the City Finance Officer to apply up to \$2,000,000.00 from the excess of 2007-2008 collections over expenditures to the Other Post-Employment Benefits (OPEB) Trust Account. **(Added by permission of Council Chair Bennett.)**

VIII. Overtime Report.

IX. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks and Recreation.
- c) Department of Public Works.
- d) Department of Neighborhood Services.
- e) Department of Education, Arts & Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

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- X. Other Business.
- XI. Committee Reports.
- XII. Agenda Session for Tuesday, August 19, 2008
- XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
- XIV. Adjournment.

XII. Agenda Session for Tuesday, August 19, 2008:

AGENDA FOR TUESDAY, AUGUST 19, 2008

1. Call to Order.
2. Pledge of Allegiance/Invocation (Council Chair Bennett)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) 2008-094 Dennis Neal, Habitat for Humanity (from M-2 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located in the 2300 block of East 19th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from M-2 Light Industrial Zone to R-1 Residential Zone. **(Request was for RT-1 Residential Townhouse Zone on 6-10-08, but referred back to Planning as R-1 Residential Zone. Recommended for approval by Planning.)**
 - b) 2008-103 Southeast Local Development Corporation, c/o Joe Guthrie (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 1100 blocks of 10th Street and 11th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for deferral by Staff until the MLK Plan is adopted.)**

2008-103 Southeast Local Development Corporation, c/o Joe Guthrie (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 1100 blocks of 10th Street and 11th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
 - c) 2008-126 William J. Patterson, Jr. (from R-3 and O-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located in the 200 block of Forest Avenue and 109 Hartman Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone and O-1 Office Zone to R-4 Special Zone. **(Not recommended for approval by Planning - see alternate version.)**

2008-126 William J. Patterson, Jr. (from R-3 and O-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located in the 200 block of Forest Avenue and 109 Hartman Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone and O-1 Office Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- d) 2008-131 Bowman & Associates (from R-1 and R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 8509 and 8515 East Brainerd Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone. **(Not recommended for approval by Planning - see alternate version.)**

2008-131 Bowman & Associates (from R-1 and R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 8509 and 8515 East Brainerd Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

6. Ordinances – First Reading:

- a) An ordinance to amend Ordinance No. 11433 (Case No. MR-2003-052), entitled, “An ordinance closing and abandoning several unopened rights-of-way between Winding Way, Edgewood Circle, Manchester Road, and Glenn Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference,” to correct the legal description therein.
- b) MR-2008-053 Bob Franklin – Girl’s Preparatory School (Close & Abandon). An ordinance closing and abandoning the 100 through 300 blocks of Dickerson Avenue, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference. **(Deferred from 6-24-08 and 7-1-08. Recommended for denial by Planning. Not recommended for approval by Public Works – see alternate version.)**

MR-2008-053 Bob Franklin – Girl’s Preparatory School (Close & Abandon). An ordinance closing and abandoning the **700 block of Frazier Avenue**, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Public Works.)**

7. Resolutions:

- a) A resolution authorizing the Chief of the Chattanooga Fire Department to award a contract to RBA Construction, Inc. for the construction of Fire Hall No. 4 for its lowest and best bid, including Alternates 1 and 2, in the amount of \$1,112,579.00, plus a contingency amount of \$98,000.00, for a total amount not to exceed \$1,210,579.00.

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- b) A resolution expressing the intent of the City of Chattanooga to issue bonds in the aggregate amount of \$40,000,000.00 of the City of Chattanooga, Tennessee for the purpose of paying all or a portion of the costs of the obligations of the City related to certain public use infrastructure items including site preparation, railroad lines, a training center, a welcome center, roads, sewers, fire station and related equipment and telecommunications in connection with the Volkswagen manufacturing facility to be located within the City of Chattanooga.
- c) A resolution authorizing the acceptance of a permanent easement of approximately 0.72 of an acre located at 1401 Mueller Avenue from Mueller Company through The Trust for Public Land to be used as part of the South Chickamauga Greenway, and expressing the gratitude of the Mayor and City Council for said easement.
- d) A resolution authorizing the appointment of Stephen Mayo and Tonja Wilkes as special policemen (unarmed) for Animal Care Trust d/b/a McKamey Animal Care and Adoption Center, Inc., to do special duty as prescribed herein, subject to certain conditions.
- e) A resolution authorizing a Memorandum of Understanding with the Chattanooga-Hamilton County Hospital Authority for use of the City's regional public safety radio communications system.
- f) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against MAPCO Express, Inc. for a right-of-way and temporary construction easement on property located at 1933 Hamill Road, Parcel No. 110I-H-001, relative to Contract No. E-03-028-201, Hamill Road Improvements (Hixson Pike to Highway 153), Phase I.
- g) A resolution amending Resolution No. 25163, adopted June 26, 2007, relative to the agreement for the Closure/Post Closure Plan for the City Landfill, Project No. SNL 33-0273, with the State of Tennessee, Division of Solid Waste Management, by deleting "not to exceed \$6,017,645.00" and substituting in lieu thereof "not to exceed to \$6,171,474.00".
- h) A resolution amending Resolution No. 25164, adopted June 26, 2007, relative to the Agreement for the Closure/Post Closure Plan for the Summit Sanitary Landfill, Project No. SNL 33-0035, with the State of Tennessee, Division of Solid Waste Management, by deleting "not to exceed \$2,977,072.00" and substituting in lieu thereof "not to exceed \$2,911, 860.00".
- i) A resolution amending Resolution No. 25165, adopted June 26, 2007, relative to the Agreement for the Closure/Post Closure Plan for the North Hawthorne/Wood Recycling Solid Waste Management, by deleting "not to exceed \$30,781.00" and substituting in lieu thereof "not to exceed \$31,612.00".
- j) A resolution amending Resolution No. 25166, adopted June 26, 2007, relative to the Agreement for the Closure/Post Closure Plan for the City Landfill, Lateral Expansion Area 3, with the Tennessee Department of Environment and Conservation, Division of Solid Waste Management, by deleting "not to exceed \$6,383,134.00" and substituting in lieu thereof "not to exceed \$6,555,479.00".

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- k) A resolution to extend the Special Exceptions Permit for a Planned Unit Development known as Gentry Square Planned Unit Development, referred to in City Council Resolution No. 24782 (Case No. 2006-034), on tracts of land located at 735 and 731 Gentry Road. **(Recommended for approval by Planning.)**
- 8. Overtime Report.
- 9. Departmental Reports:
 - a) Department of Human Services.
 - b) Department of Parks and Recreation.
 - c) Department of Public Works.
 - d) Department of Neighborhood Services.
 - e) Department of Education, Arts & Culture.
 - f) Fire Department.
 - g) Police Department.
 - h) Department of Personnel.
 - i) Department of Finance and Administration
 - j) City Attorney.
- 10. Other Business.
- 11. Committee Reports.
- 12. Agenda Session for Tuesday, August 26, 2008.
- 13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
- 14. Adjournment.