

City Council Building
Chattanooga, Tennessee
January 20, 2009
6:00 p.m.

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Rico and Robinson; Councilmen Pierce and Page were absent due to attendance at the 44th President's Inauguration Ceremony; Councilwoman Gaines was absent due to personal commitment. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Gilbert gave invocation.

MINUTE APPROVAL

On motion of Councilman Rico, seconded by Councilwoman Robinson, the minutes of the previous meeting were approved as published and signed in open meeting.

AMEND CITY CODE

Councilman Benson stated that this matter comes with approval from the Legal and Legislative Committee and noted that it came to Committee from the Beer Board who asked that the ordinance be corrected.

Councilmen Rico and Benson made the motion to substitute the amendment to this ordinance; the motion carried.

On motion of Councilman Rico, seconded by Councilwoman Robinson.

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 5, SECTIONS 5-75(b) AND (c) TO PROHIBIT ISSUANCE OF
PERMITS FOR THE SALE OF BEER OR OTHER ALCOHOLIC BEVERAGES
NEAR DAY CARE CENTERS**

passed second and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTIONS 122, 124, 152, 154, AND 164, TO PROVIDE FOR CHANGES
TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, RZ-1 ZERO LOT LINE
RESIDENTIAL ZONE AND R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT
LINE ZONE**

passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2008-208: City of Chattanooga c/o Dennis Malone

On motion of Councilman Rico, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
1400 BLOCK OF EAST 36TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2008-219: Jason Davis

On motion of Councilman Gilbert, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY
LOCATED ON THE SOUTH LINE OF THE 1400 BLOCK OF FARLEIGH
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2008-222: City of Chattanooga c/o Dennis Malone

On motion of Councilman Rico, seconded by Councilman Gilbert,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
1600 BLOCK OF NORTH ORCHARD KNOB AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND
DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-08-022-201, ASHLAND
TERRACE MILLING AND PAVING, WITH TALLEY CONSTRUCTION
COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT
AMOUNT BY TWENTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-
SEVEN AND 04/100 DOLLARS (\$28,787.04), FOR A REVISED CONTRACT
AMOUNT NOT TO EXCEED NINETY-SIX THOUSAND TWO HUNDRED
TWELVE AND 96/100 SOLLARS (\$96,212.96)**
was adopted.

OVERTIME

Overtime for the week ending January 15, 2009 totaled \$73,259.97.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **JOANN M. TILLERY** – Retirement, Communications Clerk, effective January 13, 2009.

PERSONNEL (Continued)

PARKS AND RECREATION DEPARTMENT:

- **ELIZABETH DAVIS** – Termination, Front Desk Clerk (PT), effective January 15, 2009.
- **JAMES T. DORRIS** – Termination, Tennis Assistant (PT), effective November 20, 2008.

PUBLIC WORKS DEPARTMENT:

- **GLENN S. KINES** – Family Medical Leave, Inventory Clerk, Waste Resources, effective December 29, 2008 – March 20, 2009.

EMERGENCY PURCHASE

The emergency purchase of Heating and Air Conditioning Unit Replacement for the Parks and Recreation Department, R011744 to Callahan Mechanical in the amount of \$12,152.00 was duly reported and signed in open meeting.

EMERGENCY PURCHASE

The emergency purchase of Liquid Oxygen for the Public Works Department, R0116753 to Air Liquide in the amount of \$195,939.26 was duly reported and signed in open meeting.

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following purchases were approved for the various departments:

PUBLIC WORKS DEPARTMENT:

CITY DISPOSAL SERVICES, LLC (Change Order #1)
R0092040/P0025129

Transport of Refuse and Recyclables (Increase by \$16.00)

PURCHASES (Continued)

\$76 per haul (Original contract, 9/19/06)

\$96 per haul (Change Order Increase)

VULCAN MATERIALS (Only complete bid)

APAC MIDSOUTH (Best incomplete bid)

R0116745/B0005730

Washed and Crushed Stone (*Dual contract; vendors are located on opposite sides of town. Dual contracts will help promote fuel efficiency and better utilization of worker man hours by allowing work crews to go to the nearest supplier.*)

\$265,480 - Vulcan

\$163,000 – APAC Midsouth

RICHARDSON ELECTRIC, INC. (Lowest and best bid)

R0116264/B0005654

Variable Frequency Drives

\$139,472.98

KEMIRA WATER SOLUTIONS, INC. (Lowest and best bid)

R0115735/B0005624

Liquid Ferric Chloride

\$725.00 per dry ton

SOUTHERN LIME COMPANY (Lowest and best bid)

R0115739/B0005625

Annual Requirements contract for Bulk Quicklime

\$138.23 per dry ton

PURCHASES (Continued)

CENTRIFUGE AND PUMP SERVICES CORPORATION (Best bid)

R0116327/B0005653

Centrifuge Rebuild Services (*Plus a contingency amount of \$60,000, based upon an estimated \$15,000 per centrifuge for any additional needed repairs discovered during rebuild.*)

\$114,720.00

GENERAL SERVICES:

PREBUL AUTO GROUP (Lowest and best bid)

R0116316/B0005676

2009 Dodge Charger

\$19,158.00

JACKY JONES CENTRAL FLEET OPS. (Lowest and best bid)

R0116317/B0005675

2009 Chevrolet Malibu (*Brooker Ford and Harry Lewis Chrysler submitted lower bids, but bids substituted vehicles for the Chevrolet Malibu. It was requested by the Chattanooga Police Department that vehicles not be substituted as they will not be used as actual fleet vehicles, but for special assignments.*)

\$19,863.00

EDUCATION, ARTS AND CULTURE DEPARTMENT:

HOLDER'S CONCESSIONS (Best bid)

R0115547/B0005626

Concessions Contract (*Although THS Foodservice was lower on some products, they were higher on candy products which are bought most often and they offered generic on some products. These products are offered for resale at the concession areas so name brand products are preferred.*)

(Price information available and filed with minute material)

PURCHASES (Continued)

INFORMATION SERVICES:

MOTOROLA (Single source)
R0116072

Annual CSR Maintenance

\$23,600.00

HEARING: MAURICE HORTON, SR.

City Attorney McMahan reminded Council members of the hearing for Maurice Horton, Sr. scheduled for Monday, January 26 beginning at 9 a.m. regarding his termination from Parks and Recreation. The panel hearing the request consists of Councilmen Gaines (Chair), Gilbert and Benson, Councilwoman Robinson as alternate.

City Attorney McMahan stated Mr. Holder might request a continuance, however, as of today he has not heard anything.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 27 immediately following the agenda session** in reference to a person wanting an amendment to the animal ordinance.

Councilwoman Berz stated that she is hopeful a **Budget and Finance Committee could be scheduled for next week** in reference to the independent auditor report.

PRE-BUDGET SESSION

Councilwoman Berz reminded Council members of the Pre-Budget Session scheduled for Thursday, January 22 beginning at 9 a.m., noting that the matter was announced at last week's Council meeting, as well.

TML DISTRICT MEETING

Chairman Bennett reminded Council members of the TML District Meeting scheduled for Friday, January 23 beginning at 9:30 at Chattanooga State.

NEXT WEEK'S AGENDA

Chairman Bennett read through the agenda for next week's Council meeting, which has been spread upon the minutes:

Ordinances – First Reading:

- a) An ordinance to amend Ordinance Nos. 12139, as amended, known as the Fiscal Year 2008/2009 Budget Ordinance, and 12161, as amended known as the 2009/2009 Capital Budget Ordinance, to provide for funding from the General Fund and allocate funds to the General Government Capital Projects Fund in order to purchase property located at 332 East Martin Luther King Boulevard.

Resolutions:

- a) A resolution amending Resolution No. 25772, which authorized an agreement with Palmertree Construction Company, LLC for construction of a barn at Greenway Farms, to correct the contract and contingency amounts to read: “in the amount of \$236,193.000, plus a five percent (5%) contingency amount of \$11,809.65, for a total contract amount not to exceed \$248,002.65.”
- b) A resolution authorizing payment to Southeast Tennessee Development District for 2009 dues in the amount of \$36,038.00.
- c) A resolution authorizing the Department of Public Works to accept a payment from Hamilton County relative to Contract No. S-07-013-101, Revision of Water Quality Fee Structure, for reimbursement of orthophotography services by Sanborn and JJ&G in the amount of \$176,000.00.
- d) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Chattanooga State Technical Community College relative to Contract No. S-08-001-101, Development of a Web-Based Watershed Academy for the Lower Tennessee River Watershed, in an amount not to exceed \$57,500.00, to be funded in full by a grant from the State of Tennessee, Department of Agriculture.
- e) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with David Mathews Surveying, Mapping, & Engineering (DMS) relative to Contract No. S-08-007, Friar Branch Restoration Project, in an amount not to exceed \$6,750.00.

NEXT WEEK'S AGENDA (Continued)

- f) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Jordan, Jones and Goulding, Inc. relative to Contract No. W-08-007, Development of a Computer-Based Dynamic Hydraulic Model of the Combined and Sanitary Sewer System, in an amount not to exceed \$1,936,000.00.

- g) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Earthworx, LLC relative to Contract No. W-09-001, Chattanooga Sanitary Sewer System Mapping, in an amount not to exceed \$2,805,000.00.

LIBRARY REPORT

Councilman Benson stated that he happened to be present last week when the Library consultant came in to make a formal report; that no one on the Council had knowledge it was happening, however, he happened to catch it. He stated that he generally is not one that endorses consultants being hired with city money to come from out of town when there are experts in town sometimes. He stated this was a wonderful report and the city earned their money and paid one hundred percent for it; that the library is a joint venture and the consultant was well worth it. He stated that he would like for the first part of the consultant's report to be presented in one of the Council's committees; that the consultant went into comparisons of competing libraries in other cities equal to our size and pointed out substandard operational procedures we have heard are no longer effective in contemporary times. He stated the report would be well worth our time.

Councilwoman Robinson stated that the matter should be heard in the Education, Arts and Culture Committee.

Chairman Bennett stated that she has been trying to locate the information that was presented. Councilman Benson acknowledged that he did not receive it.

Dan Johnson stated that the report was a preliminary report and the final report is due in two-to-three weeks.

Councilwoman Robinson stated that she would schedule a meeting at that time.

Chairman Bennett asked if the meeting would be scheduled to hear the preliminary report or wait for the final (report).

LIBRARY REPORT (Continued)

Mr. Johnson asked that the Council wait for the final report.

Chairman Bennett asked if there is enough information for a special committee to be scheduled in order to have enough time to hear the report.

Mr. Johnson stated there is a lot in the report and it would take two hours to go through it.

Councilman Benson asked that the second part of the report be left out and just do the first portion; that it should take 30-45 minutes. He stated that the report lets us know the state of affairs of our library in comparison with expectations in Nashville, Knoxville and Memphis.

Mr. Johnson stated the consultant will not go into the formal recommendations.

Chairman Bennett asked if everyone is in agreement as to how much time would be scheduled.

Councilwoman Robinson stated she would look at a copy of the report before scheduling the Committee meeting.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, January 27, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS
FILED WITH MINUTE MATERIAL OF THIS DATE)**