

**City Council Building
Chattanooga, Tennessee
December 13, 2011
6:00 p.m.**

Vice Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Murphy, Rico, Robinson and Scott present; Councilman Gilbert joined the meeting later; Councilmen Ladd and McGary were out of the country on a visit to Chattanooga's new Sister City, Wolfsburg, Germany. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Murphy gave the invocation for the evening.

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.

CLOSE AND ABANDON

MR-2011-118: Memorial Health Care System/Miller McCoy

Councilman Murphy acknowledged the presence of Memorial representatives and thanked them on behalf of the fire and police departments and members of the SWAT team as there was a construction/demolition project with the old Tuberculosis Hospital and before it "went away" the city was allowed to do "damage" to it by way of training. He stated the fire and police departments do not get to abuse property like that but it is integral to sharpening their skills and honing them to keep us all safe. He stated he wanted to take this occasion since they were present to thank them.

Howard Roddy responded "it was our pleasure".

CLOSE AND ABANDON (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF
ROBBINS STREET BEGINNING AT THE EAST LINE OF KILMER STREET
THENCE SOUTHEAST SOME SIX HUNDRED FIFTY (650) FEET TO THE WEST
LINE OF THE 800 BLOCK OF GLENWOOD DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed first reading; Councilwoman Scott abstained.

REAPPORTIONMENT OF COUNCIL DISTRICTS

Councilman Rico made the motion to approve Councilman Murphy's version of the reapportioned districts as reflected on the agenda and before the Council for consideration tonight; Councilwoman Scott seconded the motion.

On motion of Councilman Rico, seconded by Councilwoman Scott,
**AN ORDINANCE REAPPORTIONING THE NINE DISTRICTS FOR THE CITY
COUNCIL**
passed first reading.

CONTRACT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF
SUSTAINABILITY TO ENTER INTO A CONTRACT FOR PROFESSIONAL
SERVICES WITH FRANKLIN ASSOCIATES ARCHITECTS, INC. FOR A
GREEN ROOF FOR THE CITY COUNCIL BUILDING IN THE AMOUNT OF
TWENTY-SIX THOUSAND EIGHT HUNDRED NINETY DOLLARS
(\$26,890.00)**
was adopted.

PAYMENT

On motion of Councilwoman Berz, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING PAYMENT OF LIBRARY CONSULTANT
FEES TO JUNE GARCIA, TO OBTAIN EXECUTIVE RECRUITMENT OF THE
CHATTANOOGA LIBRARY DIRECTOR, IN AN AMOUNT NOT TO EXCEED
FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00)**
was adopted.

MEMBERSHIP DUES

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING PAYMENT OF 2012 MEMBERSHIP DUES FOR THE NATIONAL LEAGUE OF CITIES IN THE AMOUNT OF TEN THOUSAND SIX HUNDRED TEN DOLLARS (\$10,610.00)
was adopted; Councilwoman Scott voted "no".

PURCHASE AUTHORIZATION

On motion of councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE PURCHASE OF USED EQUIPMENT FROM STOWERS EQUIPMENT – ONE (1) CAT D5N XL CRAWLER DOZER IN THE AMOUNT OF ONE HUNDRED THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$103,840.00) AND ONE (1) HYDRAULIC EXCAVATOR IN THE AMOUNT OF ONE HUNDRED THIRTY-SEVEN THOUSAND ONE HUNDRED TWENTY DOLLARS (\$137,120.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR EAST TENNESSEE GRADING, INC., RELATIVE TO CONTRACT NO. W-10-010-201, SANITARY SEWER IMPROVEMENTS OLD LEE HIGHWAY AT APISON PIKE, FOR AN INCREASED AMOUNT OF FIFTEEN THOUSAND SEVEN HUNDRED SIXTY-EIGHT AND 36/100 DOLLARS (\$15,768.36), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED FOURTEEN THOUSAND SIX HUNDRED SIXTY-SIX AND 36/100 DOLLARS (\$514,666.36), AND TO RELEASE THE REMAINING CONTINGENCY OF THIRTY-FOUR THOUSAND ONE HUNDRED THIRTY-THREE AND 64/100 DOLLARS (\$34,133.64)
was adopted.

CONTRACTS

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO VARIOUS CONTRACTS WITH NEIGHBORHOOD ORGANIZATIONS FOR NEIGHBORHOOD PARTNERS PROJECTS AND RELATED ACTIVITIES AND INITIATIVES, IN AN AMOUNT NOT TO EXCEED SEVENTY-ONE THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$71,850.00), AS OUTLINED IN THE ATTACHED LIST, INCORPORATED HEREIN BY REFERENCE
was adopted.

GRANT

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) GRANT NO. Z12GHS054 FOR THE "CHATTANOOGA POLICE DEPARTMENT AGGRESSIVE DRIVING ENFORCEMENT PROGRAM" FOR THE PERIOD OF OCTOBER 1, 2011, TO SEPTEMBER 30, 2012, IN THE AMOUNT OF FORTY-NINE THOUSAND THREE HUNDRED TWENTY DOLLARS (\$49,320.00)
was adopted.

(COUNCILMAN GILBERT JOINED THE MEETING AT THIS POINT.)

OVERTIME

Overtime for the week ending December 8, 2011 totaled \$9,754.46.

STATE REPRESENTATIVE TOMMIE BROWN

At this point Vice Chairman Benson recognized the presence of State Representative Tommie Brown and expressed appreciation for her coming to the Council meeting and serving us well in the State Legislature.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **ELIZABETH MCCOLLEY** – Family Medical Leave, Police Records Technician, effective December 8, 2011.
- **DEIDRA ANDERSON** – Resignation, Police Service Technician 2, effective December 5, 2011.
- **FRANCENE FLEMING** – Retirement, Police Sergeant, effective December 15, 2011.

INFORMATION SERVICES:

- **BRENT PAGE** – Promotion, Network Analyst, Range 22, \$60,000.00 annually, effective October 3, 2011.
- **LEANN TINKER** – Demotion, IT Business project Analyst, Range 25, \$57,980.00 annually, effective December 5, 2011

CHATTANOOGA HUMAN SERVICES:

- **MARIBEL CABRERA** – Promotion, Human Resource Technician, Head Start, \$38,688.00 annually, effective December 2, 2011.
- **BRYAN ELLIS** – Promotion, IT Computer Technician, Head Start, \$30,638.40 annually, effective November 18, 2011.
- **CYZANNE HAYES** – Promotion, Teacher, Head Start, \$21,835.13 annually, effective November 18, 2011.
- **BERTHA KOVALSKI** – Promotion, Health Technician, Head Start, \$23,928.45 annually, effective November 18, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **DAVID BISHOP, TIMOTHY BRYANT, BRADLEY FREEMAN, SAMUEL GANN, VERNON HORN** – Promotion, Firefighter Senior, Range F2A, \$36,004.00 annually, effective November 18, 2011.

PERSONNEL (Continued)

- **MICHAEL RUSH, TYLER SWINDELL** –Promotion, Firefighter Senior, Range F2A, \$36,004.00 annually, effective December 2, 2011.
- **DAVID COWDEN, KEITH LILES, CHRISTOPHER O’KELLEY, ROBERT THOMPSON, TIMOTHY WATERS** -- Promotion, Fire Lieutenant, Range F3A, \$43,358.00 annually, effective December 2, 2011.
- **STEPHEN DAVIS, MICHAEL SCHROYER** – Promotion, Fire Captain, Range F4A, \$49,132.00 annually, effective December 2, 2011.
- **CARL HARTUNG, III** – Assignment/Salary Change, Staff Lieutenant, Range F3C, \$46,358.00 annually, effective December 2, 2011.

GENERAL SERVICES:

- **GAIL HART** – Promotion, Real Property Coordinator, Range 14, \$38,000.00 annually, effective December 1, 2011.

EDUCATION, ARTS AND CULTURE

Admin. Crutchfield stated the Department of Education, Arts and Culture is partnering with the Office of Sustainability and helping with a visit from officials of Hickory, North Carolina on tomorrow. She stated they have heard about our Chattanooga story, the Waterfront and the great things happening here and ten officials are coming to spend the day. She stated the group will consist of the Mayor, five Council members, the City Manager, an Assistant to the Manager, the Communications Director, another Assistant and the City Clerk; that they are coming to hear about the Chattanooga venture and vision process story. She invited the Council members to the Mayor’s Conference Room between 8 a.m. – 10 a.m. on tomorrow and noted that a tour will follow of downtown and the north shore with a wrap up on the Southside and a visit to Enterprise South to talk about our past, present and future.

REFUNDS

On motion of Councilman Rico, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds for water quality fees and/or property taxes due to overpayment:

ZEMA MICHAEL JAMES	\$1,094.79
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REFUNDS (Continued)

BANK OF AMERICA NA

\$1,015.71

PURCHASE

On motion of Councilwoman Berz, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:
Councilwoman Scott abstained:

GARDNER DENVER NASH C/O E.W. KLEIN & CO.
49735/301456

Two (2) Nash Gas Compressors

\$39,142.74

Councilwoman Scott inquired as to whether the item was bid out for two Nash Gas Compressors and the lowest bidder is Denver Nash and asked if they are the only person who could bid on it as the bid went out to eight people.

Mr. Johnson stated eight solicitations were sent out; that when the bid came in there was only one bid and it was not opened; that they re-bid the process and got one again.

Councilwoman Scott asked if the request was specifically for a Nash Gas Compressor and everybody sells them and only one person . . .

Admin. Leach stated it is a specific piece of equipment that fits on an existing piece of equipment and they have to "spec" those out to a certain type company.

Councilwoman Scott asked why we would expect any eight people to bid on something that only one manufacturer makes. Admin. Leach stated there could be other vendors.

Councilwoman Scott stated she assumes that is what that is.

CITY ATTORNEY'S REPORT

City Attorney McMahan stated he sent a copy concerning allegations of sexual harassment against the former Administrator of General Services; that Mr. Walter Williams represented the city with respect to that matter and achieved a settlement with one of the two ladies for \$7,500.

CITY ATTORNEY'S REPORT (Continued)

City Attorney McMahan stated the other lady involved would not agree to any reasonable settlement matter so the Department of EEOC will now forward the matter to the Department of Justice and they will make a decision whether to file suit against the city or alternatively may issue a Right to Sue letter to the other claimant to allow that lady to file her own lawsuit if she should so desire. He stated he wanted to explain the nature of the communication that was sent on yesterday.

COMMITTEES

Councilwoman Scott reminded Council members of the meeting of **the Beer Board Sub-Committee on December 16 from 10 a.m. – 12 p.m. in the J. B. Collins Conference Room** and the public is invited.

Councilman Murphy announced a meeting of the **Legal and Legislative Committee for Tuesday, December 20** to talk about modifications of the Charter as it pertains to avoiding a repeat of citizen re-confusion about how to recall a public official in the city.

NEXT WEEK'S AGENDA

Vice Chairman Benson announced that the agenda for next week was discussed earlier during the Agenda Session.

ADJOURNMENT

Vice Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, December 20, 2011 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)