

**FOURTH AMENDED AGENDA FOR TUESDAY, SEPTEMBER 21, 2010**

I. Call to Order.

II. **5:45 p.m. – Special meeting regarding resolution below:**

**A resolution of the City of Chattanooga, Tennessee, approving the terms of bonds to be issued by the Industrial Development Board of the City of Chattanooga, approving the termination of a certain transaction under the Master Agreement between Wells Fargo Bank, N.A. (as successor to Wachovia Bank National Association) and Chattanooga Downtown Redevelopment Corporation of the City of Chattanooga, Tennessee, and paying the termination fee related thereto and authorizing certain actions relating thereto.**

III. Pledge of Allegiance/Invocation (Councilman McGary)

IV. Minute Approval.

V. Special Presentations.

VI. Ordinances – Final Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Division 10, MXU – Mixed Use Zone, Section 38-133, Area Requirements, Subsection (3) regarding the minimum lot size in the MXU Mixed Use Zone.
- b) 2010-111 Joseph L. Parks (R-1 Residential Zone to MXU Mixed Use Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a part of a tract of land located at 3904 Cummings Road, more particularly described herein, from R-1 Residential Zone to MXU Mixed Use Zone, subject to certain conditions. **(District No. 1.)**

VII. Ordinances – First Reading:

- a) **An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-527 Special Exceptions for Nightclubs or Similar Uses, to impose a ninety (90) day moratorium on the granting of any special permits in order for the Council to discuss special conditions which may be imposed on uses under this section. (Added by permission of Legal and Legislative.)**

VIII. Resolutions:

- a) A resolution amending Resolution No. 26116, adopted October 20, 2009, relative to the agreement for the Closure/Post Closure Plan for the North Hawthorne/Wood Recycling Solid Waste Processing Unit, with the State of Tennessee, Division of Solid Waste Management, by deleting “not to exceed \$32,371.00,” and substituting in lieu thereof “not to exceed \$32,759.00.”

**Fourth Amended Agenda for Tuesday, September 21, 2010**

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- b) A resolution amending Resolution No. 26114, adopted October 20, 2009, relative to the agreement with the Closure/Post Closure Plan for the capping of Birchwood with the State of Tennessee, Division of Solid Waste Management, by deleting “not to exceed \$6,311,902.00,” and substituting in lieu thereof “not to exceed \$6,383,802.00.”
- c) A resolution amending Resolution No. 26117, adopted October 20, 2009, relative to the agreement with the Closure/Post Closure Plan for the City Landfill, Lateral Expansion, Area 3, with the State of Tennessee, Division of Solid Waste Management, by deleting “not to exceed \$6,712,810.00,” and substituting in lieu thereof “not to exceed \$6,793,364.00.”
- d) A resolution amending Resolution No. 26115, adopted October 20, 2009, relative to the agreement with the Closure/Post Closure Plan for the Summit Sanitary Landfill with the State of Tennessee, Division of Solid Waste Management, by deleting “not to exceed \$2,832,657.00,” and substituting in lieu thereof “not to exceed \$2,715,773.00.”
- e) A resolution authorizing Dorris P. Shober on behalf of Lupi’s Pizza Pies to use temporarily the right-of-way located at 406 Broad Street for the placement of a canopy over a portion of the right-of-way and two iron benches and two flower urns, as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
- f) A resolution authorizing the award of Contract No. E-09-002-203, City Sidewalk Contract-Southside Area, to Integrated Properties, LLC, in the amount of \$11,824.50, with a contingency amount of \$1,200.00, for an amount not to exceed \$13,024.50.
- g) A resolution authorizing the award of Contract No. E-03-028-204, Hamill Road Improvements – Highway 153 to Hixson Pike, Phase 4, to Brown Brothers, Inc., in the amount of \$509,013.00, with a contingency amount of \$51,000.00, for an amount not to exceed \$560,013.00.
- h) A resolution authorizing the Mayor to execute a track connection proposal letter agreement with Norfolk Southern Railway Company for railroad track connection and realignment to service Enterprise South Industrial Park on property located between Noah Reid Road and Enterprise South Industrial Park, as shown on the attached maps, and jointly owned by the City of Chattanooga and Hamilton County and managed by the Hamilton County Railroad Authority.
- i) **MR-2010-129 City of Chattanooga c/o Dan Thornton. A resolution declaring the property as surplus and authorizing the sale to Eastside Utility District from Hamilton County and the City of Chattanooga, authorizing the Director of General Services to enter into and execute an “Offer to Purchase,” and authorizing the Director of General Services to execute a deed and other necessary closing documents conveying said property to Eastside Utility District upon payment of the sale price, located at Tract 20, Enterprise South Industrial Park (ESIP), which fronts Hickory Valley Road, more particularly described herein. (District 4.) (Revised.)**

- j) **A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to amend the agreement with Global Impact Construction Services, Inc. relative to the Neighborhood Stabilization Program to increase the contract amount by \$15,000.00, for a revised total amount not to exceed \$130,000.00. (Added by permission of Council Chair Rico.)**
- k) **A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to amend the agreement with Chattanooga Neighborhood Enterprise relative to certain Neighborhood Stabilization Program activities to increase the contract amount by \$110,000.00, for a revised total amount not to exceed \$1,370,000.00. (Added by permission of Council Chair Rico.)**
- l) **A resolution authorizing Raechel Crumley on behalf of BenchMark Physical Therapy to use temporarily the right-of-way located at 8823 Production Lane at its intersection with Mountain View Road for the placement of signage, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions. (Added by permission of Council Chair Rico and Vice-Chairwoman Ladd.)**
- m) **A resolution to make certain findings relating to the IBI, LLC/Applied Thermal Coatings, Inc. Project, to delegate certain authority to the Industrial Development Board of the City of Chattanooga, and to authorize the Mayor to enter into and execute an Agreement for Payments in Lieu of Ad Valorem Taxes. (Brought forward from 9/28/10 Agenda.)**
- n) **A resolution to make certain findings relating to the WM. Wrigley Jr. Company Project, to delegate certain authority to the Industrial Development Board of the County of Hamilton, Tennessee, and to authorize the Mayor to enter into and execute an Agreement for Payments in Lieu of Ad Valorem Taxes. (Brought forward from 9/28/10 Agenda.)**

IX. Overtime Report.

X. 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.

XI. Other Business.

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XII. Committee Reports.

XIII. Agenda Session for Tuesday, September 28, 2010

XIV. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.

XV. Adjournment.

**AGENDA FOR TUESDAY, SEPTEMBER 28, 2010**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Murphy)
3. Minute Approval.
4. Special Presentations.

**“Overflow Abatement Award”**

5. Ordinances - Final Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-527 Special Exceptions for Nightclubs or Similar Uses, to impose a ninety (90) day moratorium on the granting of any special permits in order for the Council to discuss special conditions which may be imposed on uses under this section.
6. Ordinances – First Reading:
7. Resolutions:
  - a) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Lamar Dunn and Associates, Inc. for professional services relative to Contract No. S-09-006-101, Brainerd Road Stormwater Drainage Project, in an amount not to exceed \$66,515.00.
  - b) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Civic Engineering and Information Technologies, Inc., for professional services relative to Contract No. S-09-008-101, North St. Elmo Drainage Study and Upgrade, in an amount not to exceed \$315,500.00.
  - c) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Arcadis U.S., Inc. for professional services relative to Contract No. E-09-018-101, Highway 58 Pedestrian and Bicycle Facilities (PIN #112010.00) in an amount not to exceed \$139,000.00.
  - d) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Volkert & Associates, Inc. for professional services relative to Contract No. E-03-044-101, Oakwood Drive at Jersey Pike Intersection Improvement, in an amount not to exceed \$62,200.00.
  - e) A resolution authorizing the execution of Change Order No. 1 (Final) relative to Contract No. E-07-018-201, The Passage Repair Project, with P & C Construction, Inc., for an increase of \$104,931.06 and a revised contract amount of \$1,269,931.06, and releasing the remaining contingency amount of \$11,568.94.

- f) A resolution authorizing Franklin Architects to use temporarily the right-of-way that adjoins Tax Map No. 127L-A-023.01 along the eastern most property line for a redesign of site point ingress and egress and to comply with the 4' side yard landscape ordinance requirement, as shown on the drawing attached hereto and made a part hereof by reference.
  - g) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a lease agreement with ERMC of America for the lease and management of the Skate Park and Pro Shop known as Chatttown Skate Park. **(Deferred from September 21, 2010.)**
  - h) MR-2010-072 City of Chattanooga, c/o Dan Thornton (Surplus for Exchange). A resolution declaring surplus for exchange City property located at 880 Forest Avenue; authorizing the exchange of said City property for property owned by Thomas A. Austin located at Francis Street and West End Avenue, both properties more particularly described on Exhibits "A" and "B" attached hereto; and authorizing the Director of General Services to execute the Property Exchange Agreement and any and all other documents necessary relating thereto.
  - i) **A resolution authorizing the award of a bid to Thomas Brothers Construction for the Ohls Avenue and Anchor Glass Brownsfield Clean-Up Projects in the amount of \$367,017.50, with a contingency amount of \$10,000.00, for a total amount of \$377,017.50.**
  - l) **A resolution authorizing the Interim Executive Director of the Chattanooga-Hamilton County Regional Planning Agency and the City Attorney of the City of Chattanooga to enter into an Amendment Five of the grant contract with the Tennessee Department of Transportation for the undertaking of transportation planning and coordination activities as assigned in the Chattanooga Unified Planning Work Program for Federal Fiscal Year 2011, with the grant contract not to exceed \$2,717,517.00.**
  - m) **A resolution authorizing the Chattanooga-Hamilton County Regional Planning Agency to enter into a contract with the Geographic Technologies Group, Inc. ("GTG") for ZAIS software upgrade in an amount not to exceed \$25,000.00.**
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, October 5, 2010.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.