

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
January 27, 2009**

Chairman Bennett called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gaines, Gilbert, Page, Pierce, Rico and Robinson present. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Berz, followed by her invocation.

MINUTE APPROVAL

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

**AMEND BUDGET ORD.
MLK PROPERTY**

Councilwoman Berz noted that this had been discussed thoroughly in her Budget and Finance Committee meeting.

On motion of Councilman Rico, seconded by Councilman Pierce,
**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 2008/2009 CAPITAL BUDGET ORDINANCE, TO
PROVIDE 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**

passed first reading.

AMEND RES. 25772
AGREEMENT

On motion of Councilman Rico, seconded by Councilman Page,
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 TWO HUNDRED THIRTY-SIX THOUSAND
ONE HUNDRED NINETY-THREE DOLLARS (\$236,193.00),
PLUS A FIVE PERCENT (5%) CONTINGENCY AMOUNT OF
ELEVEN THOUSAND EIGHT HUNDRED NINE AND 65/00
DOLLARS (\$11,809.65), FOR A TOTAL CONTRACT
AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-EIGHT
THOUSAND TWO AND 65/100 DOLLARS (\$248,002.65)
was adopted.

PAYMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING PAYMENT TO SOUTHEAST
TENNESSEE DEVELOPMENT DISTRICT FOR 2009 DUES IN
THE AMOUNT OF THIRTY-SIX THOUSAND THIRTY-EIGHT
DOLLARS (\$36,038.00)
was adopted.

PAYMENT

On motion of Councilman Rico, seconded by Councilman Gilbert,
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 ONE HUNDRED
SEVENTY-SIX THOUSAND DOLLARS (\$176,000.00)
was adopted.

AGREEMENT

Chairman Bennett explained that all of these items had been discussed in work session and come with a recommendation.

On motion of Councilman Rico, seconded by Councilman Pierce,
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 FIFTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$57,500.00), TO BE FUNDED IN FULL BY A GRANT FROM THE STATE OF TENNESSEE, DEPARTMENT OF AGRICULTURE
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Page,
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 SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$6,750.00).
was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilman Rico,
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 ONE MILLION NINE HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$1,936,000.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Gilbert,
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 TWO MILLION EIGHT HUNDRED FIVE THOUSAND DOLLARS (\$2,805,000.00)
was adopted.

LOAN EXT. DOCUMENT
DOGWOOD MANOR

Councilman Benson stated that this issue was discussed in his Legal and Legislative Committee and recommended to come before this body; that it is a somewhat complex issue but necessary for a resolution to maintain and perpetuate services to citizens in need. He reiterated that this comes with the consensus for approval.

DOGWOOD MANOR(CONT'D)

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE LOAN EXTENSION DOCUMENTS RELATIVE TO THE DOGWOOD MANOR PROPERTY EXTENDING THE MATURITY DATE OF THE LOAN ON SAID PROPERTY FROM REGIONS BANK F/K/A AMSOUTH BANK FROM JANUARY 31, 2009 TO OCTOBER 31, 2009; TO ENTER INTO AN AMENDMENT TO THE MANAGEMENT AGREEMENT WITH CHATTANOOGA HOUSING AUTHORITY (“MANAGER”) RELATIVE TO SAID PROPERTY TO ASSURE PAYMENT OF THE PROMISSORY NOTE TO REGIONS BANK IN THE EVENT FUNDS COLLECTED BY MANAGER ARE INSUFFICIENT TO MAKE REQUIRED PAYMENTS OF PRINCIPAL AND INTEREST; AND AUTHORIZING THE PAYMENT OF REASONABLE CLOSING COSTS ASSOCIATED WITH SAID LOAN EXTENSION

was adopted.

OVERTIME

Overtime for the week ending January 22, 2009, totaled \$9,831.27.

PERSONNEL

The following personnel matters were reported from the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **JAMIE RIDDLE**—FMLA for Police Officer, effective 1/19/09—4/13/09
- ❖ **JAYEVAN MONTGOMERY**—Return to Duty of Police Officer, effective 1/12/09

PERSONNEL (CONT'D)

- ❖ **ADENA D. STINNETT**—Resignation of School Patrol Officer, effective 1/14/09
- ❖ **DEREK RONCIN**—Return to duty from Military Leave without pay for Police Officer, effective 1/16/09.
- ❖ **MITCHELL MOSS**—Return to duty from Military Leave without pay for Police Officer, effective 1/16/09.
- ❖ **BENJAMIN TODD RICHARDS**—Leave of Absence without pay for Police Officer, effective 1/26/09—2/24/09.
- ❖ **STEVE WIERTEL**—Resignation of Police Officer, effective 1/29/09.

PUBLIC WORKS DEPARTMENT:

- ❖ **RAY HARRINGTON**—FMLA for Water Quality Technician, effective 12/19/08—1/08/09.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **GREGORY BIBBS, JOHN D. CREW, KELLY M. LILES AND DAVID MATTHEWS**—Promotion to Senior Firefighter, Range F2A, \$36,004.00 annually, effective 1/30/09.

CHALLENGE COIN PRES.

Assistant Police Chief Mike Williams was present to make the Challenge Coin Presentation. He noted that it had been a little while since this had been done, and this was cumulative since November.

The first recipient was **OFFICER SEAN O'BRIEN**, who conducted an investigation into several credit/debit card thefts at Chattanooga State Community College and was able to obtain 41 warrants.

CHALLENGE COINS(CONT'D)

The next two officers that were recognized were **DEBORAH DENNISON and GEORGE ROMERO**, who responded to a possible rape and sexual assault case. They were able to stop the attack.

OFFICER FLORIDA WYNN of the Delta Zone was the next recipient. She was dispatched to a Home Invasion Call and exhibited quick action in route to the call.

INVESTIGATOR HOSTETTER investigated a series of armed robberies that led to the arrest and conviction of suspects with gang ties.

OFFICER BOWMAN of the George Zone in the Hamilton Place area was able to detect a drug operation charge.

OFFICER FLANAGAN and OFFICER CORBIN responded in a timely fashion to an armed robbery attempt.

Chief Williams stated that the Department was proud of these officers and wanted to make it know publicly.

Chairman Bennett thanked Chief Williams for making this presentation.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following Hotel Permits were approved:

CHATTANOOGA CHOO CHOO—1400 Market St., Chattanooga, TN 37402

HAMPTON INN—2420 Williams Street, Chattanooga, TN 37408

REFUND

On motion of Councilman Rico, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund on taxes paid:

EXPRESS JET AIRLINES, INC.--\$3,277.30, due to exemption by TN State Board of Equalization for tax years 2006 and 2007.

BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following Board Appointment was approved:

ENTERPRISE CENTER BOARD OF DIRECTORS

- ❖ Appointment of **PATSY HAZLEWOOD**, for a three-year term, expiring **January 27, 2012**.

Councilman Pierce questioned the appointments on this Board. He was told by Mr. Johnson that the Board is appointed by the City, the County, and Congressional District. Councilman Pierce stated that he was glad to see Ms. Hazlewood getting this appointment after retiring from the Phone Company.

PURCHASES

Chairman Bennett noted that the purchases were reviewed in the Council's work session.

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchases were approved:

INFORMATION SERVICES:

SIGNATURE TECHNOLOGY GROUP (Best evaluated overall proposal)
Requisition R0114903

Hardware Maintenance Contract

Based Upon Unit Price

PURCHASES (CONT'D)

CHATTANOOGA OFFICE SUPPLY (COS) (Overall lowest and best bid)
Requisition R0113321

Requirements Contract for Compatible Toner

Based on Unit Price

PUBLIC WORKS DEPARTMENT:

POWER PRO-TECH SERVICES (Lowest and best bid)
Requisition R0116268/B0005650

Annual Blanket Contract for Generator Repair

\$7,047.00

ACCA PUMP, INC. (Lowest and best bid)
Requisition R0117358/B0005716

Moyno Pump Parts

\$10,535.00

GENERAL SERVICES:

KELSAN (Lowest Complete Bid)
Requisition R0114711/B0005608

Annual Requirements Contract for Paper Goods

Based on Unit Price

HEARING:
MAURICE HORTON, SR.

Attorney McMahan announced that this hearing was rescheduled for **Monday, March 16th at 9:00 A.M.** The Panel consists of Councilpersons Gaines, Gilbert, and Benson, with Councilwoman Robinson being the alternate.

HEARING:
CHRIS WALKER

Attorney McMahan announced that this hearing has been rescheduled for **Monday, March 23rd at 9:00 A.M.** The original panel consisted of Councilpersons Robinson, Bennett and Pierce, with Councilwoman Gaines serving as alternate.

Councilman Pierce questioned if Councilwoman Gaines would be serving on the Council on these dates. It was explained that her term would extend into April of 2009. Councilman Pierce stated that these hearings were set so far in the future that he felt it would be better to wait until a later date to determine which councilmembers would be serving. Attorney McMahan noted that if we needed to reshuffle members at that time that we could. Councilman Rico was in favor of setting the dates but not listing the members that would serve. Attorney McMahan stated that the Council could wait until March to set the panels.

At this point, Chairman Bennett stated that if any Department Head wanted to brag on their employees, to feel free to do so at this time. She also made mention of the fact that this was **Andrea's** last night with WTCI, and that we had with us as special guests some students from Southern Adventist College in Collegedale, who were filming this session. She stated that the Council was delighted to have them with us tonight.

COMMITTEES

Councilman Rico reminded everyone of the **Public Works Committee meeting on Tuesday, February 3rd to immediately follow the Agenda Session.**

Councilman Page announced that there would be a **District 3 Mayor's Community Meeting to be held at the North River Civic Center at 5:30 P.M. Thursday, January 29th.**

At this point, Chairman Bennett noted that we were glad to have Councilman Page back from Washington.

Councilwoman Berz noted that the **Budget, Finance and Personnel Committee** had been meeting on the Internal Auditor matter, and there would be a report ready.

At this point, Chairman Bennett thanked Councilwoman Berz for putting together the Pre-Budget meetings. Councilwoman Berz noted that a second session was set for **Thursday, February 5th from 9:00 a.m. to 1:00 p.m.** She stated that the first meeting had been a very good one, and she thanked everyone for their participation. There is also a third session scheduled for **Thursday, February 19th from 9:00 a.m. to 1:00 p.m.** She urged everyone to mark their calendars for these meetings.

Councilman Benson stated that the Pre-Budget Meeting had meant a lot to him—so much so that he even lost sleep over it. He related to Chairman Bennett that he would like to speak to **Resolution 7(b)** on next week's agenda when this is discussed later in the meeting.

NEXT WEEK'S AGENDA

At this time, Chairman Bennett proceeded with next week's agenda, beginning with **Ordinance Final Reading** concerning the purchasing of property on Martin Luther King Blvd., which was heard on first reading tonight.

NEXT WEEK'S AGENDA
(CONT'D)

Chairman Bennett proceeded with **Ordinance (a)** First Reading, which is a closure and abandonment for Tony Devaugh in the east line of the 3500 Block of Central Ave.

Resolution 7(a) authorizes a right-of-entry agreement with Hamilton County and 1-A Mallard Leasing, LLC relative to 4800 Central Ave. for test pitting.

Resolution 7(b) authorizes payment in the amount of \$2,639.39 to Widgets and Stone (Marketing Firm) for promotion campaign for library visioning. Councilman Benson spoke to this matter, noting that in the Pre-Budget Session we talked about small amounts but that small amounts add up; that there is an Agreement between the City and the County concerning the library, which will come up for renewal. He stated that when this comes up for renewal, we need to look at it closely. He stated that he wished Mr. Dan Johnson would make an overture to the County and exercise good faith for one-half of this amount; that the City was always getting caught on the short end—two times in a row. He acknowledged that he knew this was the Mayor's Study but still felt that the County should share in the expense. He asked that Mr. Johnson give the Council an answer next week when this is voted on as to the County's position.

Resolution © was a change order relative to the Warner Park Combined Sewer Overflow with Haren Construction Co., Inc. increasing the contract amount by \$52,202 for a revised amount not to exceed \$4,524,202.00.

Resolution (d) is for a change order relative to the Warner Park/ Engel Stadium Parallel Interceptor Sanitary Sewer with East Tennessee Grading, Inc. increasing the contract amount by \$47,204.56 for a revised amount not to exceed \$733,516.16.

Resolution (e), likewise is a change order, relative to the Shallowford Road Sewer Relocation Contract with Mayse Construction, Inc., increasing the contract amount by \$41,211.75 for a revised amount not to exceed \$385,000.00.

NEXT WEEK'S AGENDA
(CONT'D)

Resolution (f) is a change order relative to the Warner Park/Engel Stadium Parallel Interceptor Sanitary Sewer with Lamar Dunn and Associates, Inc. This does not change the contract amount but allows for restructuring of the fee structure.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, February 3rd 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)**

