



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
December 17, 2013  
6:00 PM

## **CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order with Councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present. Vice Chairman Henderson was not present.

City Attorney Wade Hinton, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

## **PLEDGE OF ALLEGIANCE**

Chairman Hakeem led the assembly in the Pledge of Allegiance and asked Charles Wysong to give the invocation.

## **APPROVAL OF LAST MINUTES**

On motion of Councilman Mitchell and seconded by Councilman Anderson, the minutes of the last meeting (December 10, 2013) were approved as published.

## **SPECIAL PRESENTATION**

***“Jeff Cannon: Public Servant Proclamation”***  
***By Yusuf Hakeem and Jerry Mitchell***

Chairman Hakeem and Councilman Mitchell recognized Jeff Cannon, Chief Operating Officer, for going above and beyond in assisting the displaced residents of the Patten Towers after the May 28, 2013 fire. Chairman Hakeem then proclaimed the following:

## Proclamation

**Whereas:** On May 28, 2013, a fire occurred in the basement of the Patten Towers Apartments in downtown Chattanooga, displacing hundreds of residents who had nowhere else to go;

**Whereas:** Jeffrey Cannon, a staff member of the Mayor's office, responded above and beyond the normal call of service to assist in efforts to protect the well being of the Patten Towers residents, joining with numerous social service agencies and churches to provide shelter and food for the displaced residents;

**Whereas:** Mr. Cannon worked "behind the scenes" to offer encouraging words and a helping hand by making himself available by personal cell phone day and night to the displaced residents;

**Whereas:** Mr. Cannon remains committed to improving living conditions for the residents and has sought no recognition or gain from his continuing tireless efforts and dedication to serve all Chattanoogans – regardless of income or status or ability;

**Now Therefore, on this 17th day of December, 2013,  
be it resolved:**

The City Council of the City of Chattanooga wishes to recognize Mr. Jeff Cannon as a public servant in the highest sense for his compassion and kindness shown in reaching out to those in need and extends their deepest gratitude for going above and beyond the call of duty as a silent ambassador on behalf of the City.

*Chattanooga City Council  
By Chairman Yusuf Hakeem*

**ORDER OF AGENDA:**

**Councilman Anderson moved to substitute item VI(b) as the first item on the agenda tonight**, seconded by Councilman Freeman. A discussion ensued with Attorney Hinton clarifying how moving VI(b) to the top of the agenda may cause conflicts in the language of the ordinance. Upon further discussion, **Councilman Anderson withdrew his motion**, seconded by Councilman Freeman.

**ORDINANCES – FINAL READING:**

Motion to approve by Councilman Mitchell, seconded by Councilman Smith,

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE V, SECTION 2-552, 2-553, AND 2-560, PURCHASING, CONTRACTS, AND PROPERTY DISPOSITION, RELATIVE TO BIDS.**

A discussion ensued with Attorney Hinton on the increase in the sealed bid amounts as well as an increase in the Council approval threshold. After a 4-to-4 vote, Chairman Hakeem ruled that there was “no affirmative action” on this agenda item. **The motion failed.**

**ACTION: FAILED ON SECOND AND FINAL READING**

**2013-146**

**John Anderson/James P. Little**

**District No. 1**

**Planning Version**

Move to approve by Councilman Smith, seconded by Councilwoman Berz,

**ORDINANCE #12790**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1418 O’GRADY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**2013-148**  
**Thomas Palmer/Dan Rose**  
**District No. 7**  
**Planning Version**

Move to approve by Councilman Anderson, seconded by Councilman Smith,

**ORDINANCE #12791**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1512 MARKET STREET AND 5 EAST 16<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**MR-2013-007**  
**Samuel W. Clemons, Surveyor/**  
**The McCallie School**

Move to approve by Councilman Anderson, seconded by Councilwoman Berz,

**ORDINANCE #12792**

**AN ORDINANCE CLOSING AND ABANDONING THE 2600 BLOCK OF BENNETT AVENUE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**MR-2013-036**  
**Tennessee Valley Museum**  
**c/o Tim Andrews**

Move to approve by Councilman Anderson, seconded by Councilman Smith,

**ORDINANCE #12793**

**AN ORDINANCE CLOSING AND ABANDONING SEVERAL UNOPENED STREETS AND ALLEYS WEST OF THE 500 TO 600 BLOCKS OF NORTH CREST ROAD, SUBJECT TO A FULL-WIDTH EASEMENT FOR EPB, TENNESSEE AMERICAN WATER COMPANY, AND THE CITY OF CHATTANOOGA (SANITARY SEWER ONLY).**

**ACTION: APPROVED**

**MR-2013-115**

**Hopkins Surveying-Willow Plaza Realty**

Move to approve by Councilman Freeman, seconded by Councilman Mitchell,

**ORDINANCE #12789**

**AN ORDINANCE CLOSING AND ABANDONING OF AN UNOPENED ALLEY PARALLEL TO THE 2000 BLOCK OF SOUTH WILLOW STREET, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

Move to approve by Councilwoman Berz, seconded by Councilman Grohn,

**ORDINANCE #12788**

**AN ORDINANCE TO AMEND ORDINANCE NO. 12757, KNOWN AS ‘THE FY2013/2014 BUDGET ORDINANCE’, SO AS TO PROVIDE FOR CERTAIN CHANGES IN REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5 AND SECTION 6 RELATING TO THE MUNICIPAL GOLF COURSES.**

A discussion ensued with Brent Goldberg, Deputy Operating Officer, on amending the general government budget to include the city’s golf courses. **Upon Council vote, the motion carried, with Councilman Mitchell voting “NAY.”**

**ACTION: PASSED ON FIRST READING**

Move to approve by Councilman Anderson, seconded by Councilman Freeman,

**ORDINANCE #12794**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE V, SECTIONS 2-549 AND 2-551, RELATIVE TO PURCHASES, CONTRACTS, AND PROPERTY DISPOSITION, RELATIVE TO BIDS.**

The motion carried on roll call vote as follows:

<b>Anderson</b>	<b>YES</b>	<b>Mitchell</b>	<b>YES</b>
<b>Berz</b>	<b>YES</b>	<b>Smith</b>	<b>NO</b>
<b>Freeman</b>	<b>YES</b>	<b>Hakeem</b>	<b>YES</b>
<b>Gilbert</b>	<b>YES</b>		
<b>Grohn</b>	<b>NO</b>		

**YES - SIX (6); NO - TWO (2)**

**ACTION: PASSED ON FIRST READING**

Move to approve by Councilman Anderson, seconded by Councilman Smith,

**ORDINANCE #12795**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE V, SECTION 2-552, 2-553, AND 2-560, PURCHASES, CONTRACTS, AND PROPERTY DISPOSITION, RELATIVE TO BIDS.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

Move to approve by Councilman Freeman, seconded by Councilman Anderson,

**RESOLUTION #27750**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LETTER AGREEMENT WITH ANIMAL CARE TRUST D/B/A MCKAMEY ANIMAL CENTER, INC. FOR THE EXTENSION OF THE CURRENT AGREEMENT THROUGH JUNE 30, 2014.**

The motion carried, with Councilman Grohn voting "NAY."

**ACTION: ADOPTED**

Move to approve by Councilman Anderson, seconded by Councilman Freeman,

**RESOLUTION #27751**

**A RESOLUTION AUTHORIZING THE DEPUTY INFORMATION SYSTEMS OFFICER TO ENTER INTO A RENEWAL CONTRACT WITH AST CORPORATION FOR PROFESSIONAL AND TECHNICAL SERVICES FOR ORACLE EBUSINESS SUITES, FOR A TOTAL AMOUNT NOT TO EXCEED \$900,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Gilbert, seconded by Councilman Freeman,

**RESOLUTION #27752**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ACCEPT AND ENTER INTO A CONTRACT WITH FOOD CONQUEST, LLC TO PROVIDE CONCESSION SERVICES AT THE MEMORIAL AUDITORIUM, ROBERT KIRK WALKER COMMUNITY THEATER, AND TIVOLI THEATER, FOR A PERIOD OF ONE (1) YEAR WITH AN OPTION OF UP TO THREE (3) ADDITIONAL ONE (1) YEAR RENEWAL PERIODS, WITH A CONTRACT REVENUE ESTIMATED AT AN ANNUAL AMOUNT OF \$150,000.00 TO VENDOR AND \$45,000.00 TO THE CITY OF CHATTANOOGA.**

**ACTION: ADOPTED**

Move to approve by Councilman Anderson, seconded by Councilman Smith,

**RESOLUTION #27753**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS RELATIVE TO THE DESIGN AND CONSTRUCTION OF RIVERBANK STABILIZATION OF TENNESSEE RIVER MILE 466 AND AUTHORIZING THE CITY'S 35% MATCH, IN THE AMOUNT OF \$647,150.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilman Mitchell,

**RESOLUTION #27754**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CTI ENGINEERS, INC. (WITH SCS ENGINEERS AS SUB) FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. C-13-001-101, SUMMIT LANDFILL DEFICIENCY RECOMMENDATIONS AND REPAIRS, FOR A TOTAL AMOUNT NOT TO EXCEED \$350,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Freeman, seconded by Councilman Anderson,

**RESOLUTION #27755**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR TOTAL BUILDING MAINTENANCE, INC. RELATIVE TO CONTRACT NO. C-11-003-201, ROOF REPLACEMENT CITYWIDE SERVICES PAUL CLARK BUILDING, FOR AN INCREASED AMOUNT OF \$18,655.13, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$149,455.53.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilman Gilbert,

**RESOLUTION #27756**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR HIGHWAYS, INC. RELATIVE TO CONTRACT NO. E-09-023-201, HAMILL ROAD REHABILITATION (ADAMS ROAD TO GREENWAY FARMS), FOR A DECREASED AMOUNT OF \$126,703.85, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$472,086.15, AND TO RELEASE THE REMAINING CONTINGENCY OF \$60,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Anderson, seconded by Councilwoman Berz,

**RESOLUTION #27757**

**A RESOLUTION AUTHORIZING JOSEPH SCHULTZ TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 7600-7700 BLOCKS OF SHALLOWFORD ROAD FOR THE INSTALLATION OF A METAL COMMUNITY FENCE, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilwoman Berz,

**RESOLUTION #27758**

**A RESOLUTION AUTHORIZING NICOS SALON C/O JENNIFER KING TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 612 GEORGIA AVENUE TO INSTALL AN AWNING, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

Chairman Hakeem had been informed by Public Works that the following agenda item was no longer needed:

**A RESOLUTION AUTHORIZING MARIA TERESA FLANAGAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 3901 13<sup>TH</sup> AVENUE FOR THE INSTALLATION OF FENCING, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

On motion of Councilman Anderson, this item was not considered on tonight's agenda.

**ACTION: (NONE)**



Move to approve by Councilman Smith, seconded by Councilman Gilbert,

**RESOLUTION #27761**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT TDOT STATE INDUSTRIAL ACCESS AND/OR LOCAL INTERSTATE CONNECTOR FUNDING FOR THE EXTENSION OF FERDINAND PIECH WAY AND AUTHORIZING PAYMENT OF LOCAL MATCHING FUNDS UP TO \$300,000.00 TO BE SHARED EQUALLY WITH HAMILTON COUNTY GOVERNMENT PURSUANT TO THE ENTERPRISE SOUTH INDUSTRIAL PARK MASTER INTERLOCAL AGREEMENT.**

**ACTION: ADOPTED**

Move to approve by Councilman Smith, seconded by Councilman Mitchell,

**RESOLUTION #27762**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACT NO. E-13-011-201, PAVEMENT CRACK SEALING REQUIREMENTS CONTRACT TO REMAC, INC., IN THE AMOUNT OF \$150,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilwoman Berz, seconded by Councilman Smith,

**RESOLUTION #27763**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF TRANSPORTATION TO AWARD CONTRACT NO. E-13-003-201, CITY SIDEWALK REQUIREMENTS CONTRACT TO YERBEY CONCRETE CONSTRUCTION, INC., IN THE AMOUNT OF \$250,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilman Anderson, seconded by Councilman Gilbert,

**RESOLUTION #27760**

**A RESOLUTION ADOPTING THE 2013 PURCHASING MANUAL WITH REVISIONS AS SET FORTH IN PART II, CHATTANOOGA CITY CODE, CHAPTER 2, ARTICLE V, RELATIVE TO PURCHASES, CONTRACTS, AND PROPERTY DISPOSITION.**

The motion carried, with Councilman Smith and Councilman Grohn voting "NAY."

**ACTION: ADOPTED**

Move to approve by Councilman Mitchell, seconded by Councilman Grohn,

**RESOLUTION #27759**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO RETAIN THE LAW FIRM OF KING & SPALDING AND TO PROVIDE PAYMENT FOR ALL LEGAL SERVICES SINCE APRIL 11, 2013, WHICH HAVE BEEN AUTHORIZED BY THE CITY ATTORNEY ON BEHALF OF THE CITY OF CHATTANOOGA IN THE CASES OF *DP MARINA, LLC V. CITY OF CHATTANOOGA* AND *TENNESSEE CLEAN WATER NETWORK (TCWN) V. CITY OF CHATTANOOGA* (EPA CONSENT DECREE).**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

Mr. Goldberg briefed the Council on the following purchases:

- |   |                                 |
|---|---------------------------------|
| <b>R42936 - Public Works</b><br>Blanket Contract Spending Limit Increase<br>for Vibration Analysis & Infrared Thermographic Services<br>Lowest/Best Bidder: Current Technologies Inc. | Estimated \$35,000.00 Annually  |
| <b>R85363 - Public Works</b><br>Blanket Contract for Liquid Ferric Chloride<br>Lowest/Best Bidder: Kemira Water Solutions, Inc.   | Estimated \$250,000.00 Annually |
| <b>R41770 - Public Works</b><br>Increase Annual Expenditure<br>for Security Guard Services<br>Lowest/Best Bidder: Tristate Security of America  | Estimated \$200,000.00 Annually |
| <b>R72150 - Public Works</b><br>Blanket Contract Extension<br>for Grounds Maintenance Services<br>Lowest/Best Bidder: R&A Lawn Maintenance Inc.                                       | Estimated \$40,000.00 Annually  |
| <b>R67949 - Public Works</b><br>Blanket Contract Extension<br>for Manhole Inflow Dishes<br>Lowest/Best Bidder: Parson Environmental Products, Inc.                                    | Estimated \$20,000.00 Annually  |
| <b>R36422 - General Services</b><br>Blanket Contract Extension<br>for Communications System Insurance<br>Lowest/Best Bidder: J Mark Bowery Insurance, Inc.                            | Estimated \$89,534.00 Annually  |

**R86043 - Public Library** Estimated \$20,880.00 Annually  
Blanket Contract for Janitorial Services  
Lowest/Best Bidder: Certified Maintenance Service

**R67335 - Youth & Family Development** Estimated \$34,524.00 Annually  
Blanket Contract Extension  
for Disposal Diapers & Wipes  
Lowest/Best Bidder: Diapers 4 Less, Inc.

**R70145 - Police Department** Estimated \$37,000.00 Annually  
Blanket Contract Extension  
for CopLink Annual Subscription & Support  
Lowest/Best Bidder: IBM

**R84300 - Police Department** Estimated \$75,000.00 Annually  
Blanket Contract spending Limit Increase  
for Ballistic Body Armor  
Lowest/Best Bidder: GT Distributors

**R85975 - Fire Department** Estimated \$18,000.00 Annually  
Blanket Contract for Janitorial Services  
Lowest/Best Bidder: CBS Management, Inc.

**R69039 - Information Services** Estimated \$15,000.00 Annually  
Blanket Contract Extension for  
Legacy Phone System Maintenance  
Lowest/Best Bidder: MAC Source, Inc.

**On motion of Councilman Anderson,** the above-listed purchases were approved.

**ACTION: APPROVED**

**OTHER BUSINESS: (NONE)**

**COMMITTEE REPORTS:**

*Economic and Community Development Committee*  
Councilman Anderson  
(No report)

*Budget and Finance Committee*  
Councilwoman Berz  
(No report)

*Public Safety Committee*  
Councilman Freeman  
(No report)

*Youth and Family Development Committee*

Councilman Gilbert

- He reminded everyone about the Forgotten Child Fund event on December 24, 2013.

*Audit Committee*

Councilman Grohn

(No report)

*RPA (Planning Committee)*

Vice Chairman Henderson

(Not present at this meeting)

*HR Committee (Human Resources)*

Councilman Mitchell

(No report)

*Public Works and Transportation Committee*

Councilman Smith

- The committee met earlier today to discuss Public Works and Transportation items on tonight's agenda.

**RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL**


**(Non-Agenda Items)**


Chairman Hakeem recognized the following individual wishing to address the Council on a non-agenda item:

- **Charles Wysong (Chattanooga)** - Read "The Christmas Story" from Luke Chapter 2 of the bible.
  - Chairman Hakeem expressed "Season's Greetings" to the Assembly.

**ADJOURNMENT**

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, January 7, 2014 at 6:00 p.m.

  
\_\_\_\_\_  
CHAIRMAN

  
\_\_\_\_\_  
CLERK OF COUNCIL

(A full digital audio of this Council meeting has been filed in the Clerk of the Council's office)