

AMENDED AGENDA FOR TUESDAY, SEPTEMBER 4, 2007

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilwoman Gaines).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) MR-2007-080 Michael J. Stewart/Allison Craik Davis, Jr. (Close & Abandon). An ordinance closing and abandoning part of an unopened alley located on the south line of the unopened 1000 block of Winter Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
- VI. Ordinances – First Reading:
 - a) MR-2007-092 James & Judith Sutherland (Close & Abandon). An ordinance closing and abandoning an unopened right-of-way located on the north line of an unopened portion of the 1800 block of Old Sand Pit Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for denial by Planning and Public Works, with recommendation for application for Temporary Use Permit.)**
 - b) 2007-128 Palmetto 8, LLC (Lift Conditions). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to lift Condition Nos. 1 and 2 imposed in Ordinance No. 11521 (Case No. 2004-012) on tracts of land located in the 800 block of East 8th Street and Flynn Street, more particularly described herein. **(Recommended for approval by Planning.)**
 - c) 2007-129 Palmetto 8, LLC (from R-4 to C-3). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 832 East 8th Street, more particularly described herein, from R-4 Special Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-129 Palmetto 8, LLC (from R-4 to C-3). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 832 East 8th Street, more particularly described herein, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
- VII. Resolutions:
 - a) A resolution authorizing the award of Contract No. S-07-009-201, Televised Inspection of Private Sewer Service Lines, to Roto Rooter Plumbing Services, Inc. in the amount of \$22,925.00, plus a contingency amount of \$2,075.00, for a total contract amount not to exceed \$25,000.00.

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- b) A resolution authorizing the execution of Change Order No. 2 relative to Contract No. W-04-006-201, Miscellaneous Sanitary Sewer Requirements, with Mayse Construction Company, Inc., which change order increases the contract amount by \$71,619.26, for a revised contract amount not to exceed \$656,287.65.
- c) A resolution directing the Chattanooga- Hamilton County Regional Planning Agency to conduct a zoning study for certain properties in the Highland Park Community.
- d) A resolution authorizing the acceptance of a permanent easement of approximately four (4) acres located on a larger tract of land at 4065 Caine Lane from The Trust for Public Land to be used as part of the South Chickamauga Greenway, and expressing the gratitude of the Mayor and City Council for said easement.
- e) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a Personal Services Contract with Terry Tomasello to manage the City's Public Art Program for a term of eighteen (18) months in an amount not to exceed \$60,000.00, which contract amount is to be shared equally by the City, the Lyndhurst Foundation, and the Benwood Foundation.
- f) A resolution authorizing the award of Contract No. R-07-005-201, Warner Park Ballfield Complex, to Talley Construction Company, Inc. in the amount of \$4,444,040.16, plus a contingency amount of \$376,259.84, for a total amount not to exceed \$4,820,300.00. **(Added by permission of Council Chair Page.)**
- g) A resolution authorizing the Administrator of the Department of Public Works to execute an agreement with Lose & Associates, Inc. relative to Contract No. W-05-007-105, Design of Stormwater Pump Station and Detention Ponds - Warner Park Ballfield Complex, in an amount not to exceed \$110,156.17, funded through TDEC State Revolving Fund (SRF) Loan Program SRF #2007-204. **(Added by permission of Council Chair Page.)**

VIII. Overtime Report.

VIX. 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.

X. Other Business.

XI. Committee Reports.

XII. Agenda Session for Tuesday, September 11, 2007

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, September 11, 2007:

AGENDA FOR TUESDAY, SEPTEMBER 11, 2007

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilwoman Bennett).
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) MR-2007-092 James & Judith Sutherland (Close & Abandon). An ordinance closing and abandoning an unopened right-of-way located on the north line of an unopened portion of the 1800 block of Old Sand Pit Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Recommended for denial by Planning and Public Works, with recommendation for application for Temporary Use Permit.)**
 - b) 2007-128 Palmetto 8, LLC (Lift Conditions). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to lift Condition Nos. 1 and 2 imposed in Ordinance No. 11521 (Case No. 2004-012) on tracts of land located in the 800 block of East 8th Street and Flynn Street, more particularly described herein. **(Recommended for approval by Planning.)**
 - c) 2007-129 Palmetto 8, LLC (from R-4 to C-3). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 832 East 8th Street, more particularly described herein, from R-4 Special Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-129 Palmetto 8, LLC (from R-4 to C-3). An ordinance to amend Ordinance 6958, as amended, known as the Zoning Ordinance, so as to rezone part of a tract of land located at 832 East 8th Street, more particularly described herein, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
6. Ordinances – First Reading:
 - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 1001(2) and Article VI, Height and Area Exceptions, relative to building setbacks in commercial and manufacturing zones that abut the R-4 Special Zone.
 - b) 2006-053 Danny & Charlene Lamons (from R-1 to O-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 7116 Bonny Oaks Drive, more particularly described herein, from R-1 Residential Zone to O-1 Office Zone. **(Not recommended for approval by Planning - see alternate version. Recommended for denial by Staff.)**

2006-053 Danny & Charlene Lamons (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 7116 Bonny Oaks Drive, more particularly described herein, from R-1 Residential Zone to **R-4 Special Zone**, subject to certain conditions. **(Recommended for approval by Planning.)**

- c) MR-2007-090 City of Chattanooga, c/o William Payne (Close & Abandon). An ordinance closing and abandoning a fifty-four inch (54") sanitary sewer easement located at 600 River Terminal Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning and Public Works - see alternate version.)**

MR-2007-090 City of Chattanooga, c/o William Payne (Close & Abandon). An ordinance closing and abandoning a fifty-four inch (54") sanitary sewer easement located at 600 River Terminal Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- d) MR-2007-095 Franklin Associates Architects, Inc. (Close & Abandon). An ordinance closing and abandoning an existing brick sewer line and manhole located at 710 East 4th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning and Public Works - see alternate version.)**

MR-2007-095 Franklin Associates Architects, Inc. (Close & Abandon). An ordinance closing and abandoning an existing brick sewer line and manhole located at 710 East 4th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- e) MR-2007-109 Mount Canaan Baptist Church (Close & Abandon). An ordinance closing and abandoning the unopened 700 block of West Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning and Public Works - see alternate version.)**

MR-2007-109 Mount Canaan Baptist Church (Close & Abandon). An ordinance closing and abandoning the unopened 700 block of West Road, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- f) 2007-121 UTC, c/o Janet Spraker (from C-3 & R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 701 East Martin Luther King Boulevard, more particularly described herein, from C-3 Central Business Zone and R-1 Residential Zone to R-4 Special Zone. **(Recommended for approval by Planning.)**

- g) 2007-123 Everette V. Dyer (from R-2 & R-4 to R-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a

tract of land located at 1612 Kirby Avenue, more particularly described herein, from R-2 Residential Zone and R-4 Special Zone to R-1 Residential Zone. **(Recommended for approval by Planning.)**

- h) 2007-126 Ed Wiseman (from C-2 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 737 McCallie Avenue, more particularly described herein, from C-2 Convenience Commercial Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning or Staff - see alternate versions.)**

2007-126 Ed Wiseman (from C-2 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 737 McCallie Avenue, more particularly described herein, from C-2 Convenience Commercial Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2007-126 Ed Wiseman (from C-2 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 737 McCallie Avenue, more particularly described herein, from C-2 Convenience Commercial Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- i) 2007-132 Ken DeFoor (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift conditions imposed in Ordinance No. 11841 (Case No. MR-2006-084) on a tract of land located at 7315 Shallowford Road, more particularly described herein. **(Not recommended for approval by Planning - see alternate version.)**

2007-132 Ken DeFoor (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift conditions imposed in Ordinance No. 11841 (Case No. MR-2006-084) on a tract of land located at 7315 Shallowford Road, more particularly described herein, subject to certain conditions. **(Recommended for approval by Planning.)**

- j) 2007-134 Ken DeFoor (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift conditions imposed in Ordinance No. 11932 (Case No. MR-2006-218) on a tract of land located at 7315 Shallowford Road, more particularly described herein. **(Not recommended for approval by Planning - see alternate version.)**

2007-134 Ken DeFoor (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift conditions imposed in Ordinance No. 11932 (Case No. MR-2006-218) on a tract of land located at 7315 Shallowford Road, more particularly described herein, subject to certain conditions. **(Recommended for approval by Planning.)**

- k) 2007-137 Phillip Mucci (from R-1 to R-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1507 Kirby Avenue, more particularly described herein, from R-1 Residential Zone to R-2 Residential Zone. **(Recommended for approval by Planning. Recommended for denial by Staff.)**

- l) 2007-138 CNE (from R-3 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1605, 1609, 1611, and 1623 Madison Street and 611 East 17th Street, more particularly described herein, from R-3 Residential Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning or Staff - see alternate versions.)**

2007-138 CNE (from R-3 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1605, 1609, 1611, and 1623 Madison Street and 611 East 17th Street, more particularly described herein, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2007-138 CNE (from R-3 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1605, 1609, 1611, and 1623 Madison Street and 611 East 17th Street, more particularly described herein, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- m) 2007-139 CNE (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1800, 1802, 1804, 1808, and 1810 Madison Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning or Staff - see alternate versions.)**

2007-139 CNE (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1800, 1802, 1804, 1808, and 1810 Madison Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2007-139 CNE (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 1800, 1802, 1804, 1808, and 1810 Madison Street, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- n) 2007-140 CNE (from R-3 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 600 block of East 17th Street and the 1700 block of Madison Street, more particularly described herein, from R-3 Residential Zone to C-3 Central Business Zone. **(Not recommended for approval by Planning or Staff - see alternate versions.)**

2007-140 CNE (from R-3 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 600 block of East 17th Street and the 1700 block of Madison Street, more particularly described herein, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

2007-140 CNE (from R-3 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 600 block of East 17th Street and the 1700 block of Madison Street, more

particularly described herein, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Staff.)**

- o) 2007-142 GVH Shallowford Associates (from R-4 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2245 Hickory Valley Road, more particularly described herein, from R-4 Special Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-142 GVH Shallowford Associates (from R-4 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2245 Hickory Valley Road, more particularly described herein, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- p) 2007-143 City of Chattanooga, c/o Steve Leach (Amend Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to amend Condition Nos. 1, 2, and 3 imposed in Ordinance No. 11572 (Case No. 2004-093) on a tract of land located at 2010 Godsey Drive, more particularly described herein. **(Recommended for approval by Planning.)**

- q) 2007-145 City of Chattanooga by RPA Staff (from R-3, C-2, C-3, M-1, and M-3 to URG). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-3 Residential Zone, C-2 Convenience Commercial Zone, C-3 Central Business Zone, M-1 Manufacturing Zone, and M-3 Warehouse and Wholesale Zone properties within the South Broad Street Area, more particularly described herein, to URG Urban General Commercial Zone. **(Not recommended for approval by Planning - see alternate version.)**

2007-145 City of Chattanooga by RPA Staff (from R-3, C-2, C-3, M-1, and M-3 to URG). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone specific R-3 Residential Zone, C-2 Convenience Commercial Zone, C-3 Central Business Zone, M-1 Manufacturing Zone, and M-3 Warehouse and Wholesale Zone properties within the South Broad Street Area, more particularly described herein, to URG Urban General Commercial Zone, subject to the attached Zoning Study. **(Recommended for approval by Planning.)**

- r) 2007-147 City of Chattanooga, c/o Mayor's Office (from R-3 to M-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 2900 and 3000 blocks of Alton Park Boulevard, more particularly described herein, from R-3 Residential Zone to M-1 Manufacturing Zone. **(Recommended for approval by Planning.)**

- s) 2007-055 Earthworx, LLC (Close & Abandon). An ordinance to amend Ordinance No. 11540 captioned, "An ordinance closing and abandoning a portion of the opened 5500 block of Clear Creek Road, more particularly described herein and as shown on the Map attached hereto and made a part hereof by reference, subject to certain conditions" to lift Condition No. 2 requiring a cul-de-sac. **(Recommended for approval by Public Works.)**

7. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Parks and Recreation to execute and Agreement with the Boys and Girls Clubs of Chattanooga, Inc., in substantially the form attached hereto, for use of the South Chattanooga Recreation Center for a term of one (1) year, renewing automatically for additional one (1) year terms unless either party gives the other written notice as provided in the Agreement.
- b) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into an Agreement with Barge, Waggoner, Sumner and Cannon, Inc. for final design and engineering services for the Summit Park Project in a total amount not to exceed \$805,467.00, subject to approval of the final agreement by the City Attorney's Office.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation to contribute one-day use of Frost Stadium to Friends of the Library for a fundraising auction to benefit "Club Lib" Youth Reading Program.
- d) A resolution authorizing the Administrator of the Department of Education, Arts & Culture to execute a License Agreement with Eastgate Town Center, LLC for temporary use of certain facilities located at 5600 Brainerd Road, Eastgate Town Center, Chattanooga, TN 37411, for the operation of the Eastgate Senior Activities Center for the term of one (1) year.
- e) A resolution authorizing acceptance of the donation of in-kind advertising valued at approximately \$8,320.00 per month from WSMC - 90.5 FM to the Department of Education, Arts & Culture for the "EAC Minute."
- f) A resolution authorizing the Administrator of the Department of Education, Arts & Culture to apply for and, if awarded, accept a Tennessee Arts Commission Grant from the State of Tennessee in the amount of \$1,383.00 to fund an arts/history project at Heritage House in April 2008.
- g) A resolution authorizing the Department of Neighborhood Services and Community Development to enter into a personal services contract with Northside Neighborhood House in an amount not to exceed \$350.00 to assemble a finished quilt to be completed by October 1, 2007 to support the 9th Annual Neighborhoods and Codes Conference, "Quilting the Fabric of Our Neighborhoods."
- h) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to enter into a with the Chattanooga Convention Center for use of facilities to host the 9th Annual Neighborhoods and Codes Conference scheduled for October 17-19, 2007 for an amount not to exceed \$38,000.00.
- i) A resolution authorizing the Department of Neighborhood Services and Community Development to enter into personal services contracts with the individuals listed herein below for a cumulative amount not to exceed \$2,550.00 for workshops for the 9th Annual Neighborhoods and Codes Conference to be held October 17-19, 2007.

- j) A resolution authorizing the Department of Public Works to accept payment from Park Mills Properties, LLC in the amount of \$24,079.26 as reimbursement to the City for materials to install a traffic signal at the entrance of Greenlife Groceries on Manufacturers Road.
 - k) A resolution authorizing the Department of Public Works to accept payment from ONS Partnership in the amount of \$16,052.84 as reimbursement to the City for materials to install a traffic signal at the entrance of Greenlife Groceries on Manufacturers Road.
 - l) A resolution authorizing Fred J. Bennett to use temporarily the 3300 block of Rossville Boulevard to 36th Street and 3501 Clio Avenue to 36th Street to install a gate in the alley of the City right-of-way, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
 - m) A resolution authorizing Foxwood Heights Association to use temporarily the rights-of-way between Wilcox Boulevard and Richard Avenue and Wilcox Boulevard and McCord Avenue to install a gateway and beautify the surrounding area, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
 - n) A resolution authorizing John Williams to use temporarily 5000 Rossville Boulevard to replace the front store roof, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
 - o) 2007-120 UTC, c/o Janet Spraker (Prelim & Final IPUD). A resolution approving a proposed Preliminary and Final Institutional Planned Unit Development Special Exceptions Permit for an Institutional Planned Unit Development, known as University of Tennessee at Chattanooga Planned Unit Development 2007 Campus Plan, on a tract of land located 615 McCallie Avenue, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions.
 - p) 2007-135 C.T. Williams Contractors (Prelim PUD). A resolution approving a proposed Preliminary Residential Planned Unit Development Special Exceptions Permit for a Residential Planned Unit Development, known as Rivervista Planned Unit Development, Lots 1-7, on tracts of land located in the unit block of Rivervista Drive, 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.
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.

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- h) Department of Personnel.
 - i) Department of Finance and Administration
 - j) City Attorney.
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- 10. Other Business.
 - 11. Committee Reports.
 - 12. Agenda Session for Tuesday, September 18, 2007
 - 13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
 - 14. Adjournment.