

AGENDA FOR TUESDAY, SEPTEMBER 2, 2008

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Page)
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
 - a) An ordinance to amend the Charter of the City of Chattanooga, and all acts, ordinances, and other Charter provisions amendatory thereof, pursuant to the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment) so as to (1) establish an independent Office of Internal Audit, an Audit Committee, and City Auditor; (2) provide for the City Auditor's qualifications, appointment, and removal; and (3) provide for the Office's duties and access to records and property of the City.
 - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 2, to make certain changes to the Fire and Police Pension Fund relative to the Board of Directors and the Deferred Retirement Option Plan ("DROP"). **(Revised. Need Motion for Substitution.)**
 - c) MR-2008-092 Edward E. Stephens (Close & Abandon). An ordinance closing and abandoning a portion of Sewer Line and Easement #672, between manholes #2 and #4, located in the 4400 block of Pinnacle Lane, 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.
 - d) 2008-103 Southeast Local Development Corporation, c/o Joe Guthrie (from R-1 to R-4). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located in the 1100 blocks of 10th Street and 11th Street, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(Deferred from 8/12/08 and 8/26/08 for Second Reading. Revised. Need Motion for Substitution.)**
 - e) MR-2008-135 City of Chattanooga, c/o Lee Norris, Public Works (Close & Abandon). An ordinance closing and abandoning two (2) portions of Sewer Easement MF#10547 located off the east line of the 2100 block of Market Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference.
- VI. Ordinances – First Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, to amend Sections 35-146 through 35-180 known as the Traffic Incident and Management Service Ordinance. **(Added by permission of the Legal and Legislative Committee.)**

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VII. Resolutions:

- a) A resolution authorizing Todd McCain to use temporarily the right-of-way at Manchester Avenue and Glenn Road to install a back entrance at the property, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Deferred from 7-8-08, 7-22-08, 8-5-08, and 8-26-08. Recommended for approval by Public Works.)**
- b) A resolution authorizing the Department of Parks and Recreation to donate a full package for one child to Kidz Kamp for the period of June 1, 2008 through July 31, 2009 and an OutVenture beginners kayak trip for a family of four to the Chattanooga-Hamilton County Bicentennial Library in support of its Club Lib Program, the Library's major fundraiser.
- c) A resolution authorizing the Department of Parks and Recreation to accept a Transportation Improvements Program Grant from the Tennessee Department of Transportation for the planning, engineering, and construction of an ADA accessible pedestrian and bicycle passage across the C.B. Robinson Bridge in the amount of \$140,000.00 and authorizing the required matching funds in connection with said Grant in the amount of \$35,200.00.
- d) 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 \$1,050.00 to fund a one-day arts/history project at the Eastgate Senior Activity Center in April 2009, with the required matching funds in the same amount coming from the Department of Education, Arts & Culture.
- e) A resolution authorizing the Mayor to enter into an agreement with Hamilton County Courts Community Service Program to pick up litter along the City rights-of-way using first-time, non-violent offenders for 2008-2009.
- f) A resolution to change the right-of way name of the 4000-4199 and 100-199 blocks of Dogwood Lane to the 100-199 block of Hollyberry Lane, as shown on the map attached hereto and made a part hereof by reference, due to duplicate street name and inconsistent block ranges on the street.
- g) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with the Water Environment Federation (on behalf of the National Biosolids Partnership (NBP)) relative to Contract No. W-08-020-101, Independent Third-Party Audit of MBWWTP's Biosolids Environmental Management System (EMS), for a term of five (5) years (Audit Years 0, 1, 2, 3, and 4) and with Auditor costs for the Year 0 Verification Audit not to exceed \$20,400.00.
- h) A resolution authorizing the Department of Public Works to accept funds from Lamar Dunn & Associates as reimbursement for expenses accrued from the requirement of the additional four feet width of catwalk on one end of elevated platform relative to Contract No. W-07-001-101, Mountain Creek Pump Station Modifications, in the amount of \$3,331.00.

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- i) A resolution authorizing the execution of Change Order 1 to Contract No. W-07-001-101, Mountain Creek Pump Station Modifications, with Lamar Dunn & Associates, which change order increases the contract amount by \$2,500.00, for a revised contract amount not to exceed \$22,200.00.
- j) A resolution authorizing the execution of Change Order 1 to Contract No. W-07-001-201, Mountain Creek Pump Station Modifications, with Raines Brothers Construction, Inc., which change order increases the contract amount by \$11,259.00, for a revised contract amount not to exceed \$90,259.00, which includes a contingency amount of \$7,185.00.
- k) A resolution authorizing the execution of Change Order 1 to the Contract with Consolidated Technologies, Inc. for engineering services for the design and construction of improvements to the gas collection system at the Summit Landfill, which change order increases the contract amount by \$42,700.00, for a revised contract amount not to exceed \$118,200.00.

VIII. Overtime Report.

IX. 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 9, 2008

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, September 9, 2008:

AGENDA FOR TUESDAY, SEPTEMBER 9, 2008

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Benson)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
 - a) An ordinance to amend Chattanooga City Code, Part II, to amend Sections 35-146 through 35-180 known as the Traffic Incident and Management Service Ordinance.
6. Ordinances – First Reading:
 - a) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Section 406(13), to provide for a building façade fronting existing or planned public maintained streets within the Mixed Use Zone (MXU).
 - b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Sections 1212(1) and (2) and 1311(1) and (2), relative to major and minor changes to Residential and Institutional Planned Unit Developments after review or adoption.
 - c) An ordinance appropriating, authorizing or allocating funds to the Capital Improvements Budget for the Fiscal Year 2008/2009 and to amend the Fiscal Year 2008/2009 Budget Ordinance No. 12139, the 2004/2005 Capital Budget Ordinance No. 11606, the 2006/2007 Capital Budget Ordinance No. 11903, and the 2007/2008 Capital Budget Ordinance No. 12024.
 - d) MR-2008-053 Bob Franklin – Girl’s Preparatory School (Close & Abandon). An ordinance closing and abandoning the 100 through 300 blocks of Dickerson Avenue, more particularly described herein and as shown on the maps attached hereto and made a part hereof by reference. **(Deferred from 6-24-08, 7-1-08, and 8-19-08. Recommended for denial by Planning. Not recommended for approval by Public Works – see alternate version.)**

MR-2008-053 Bob Franklin – Girl’s Preparatory School (Close & Abandon). An ordinance closing and abandoning the **700 block of Frazier Avenue**, 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 Public Works.)**

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- e) 2008-136 David Mathews (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift the condition imposed in Ordinance No. 7654, reservation of any existing easement for any utility, on a tract of land located on the former 1600 block of First Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning - see alternate version.)**

2008-136 David Mathews (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift the condition imposed in Ordinance No. 7654, reservation of any existing easement for any utility, on a tract of land located on the former 1600 block of First Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**

- f) 2008-140 Don Skiles & Richard Cribbs (from R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone tracts of land located at 6918 and 2920 Northside Drive, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-2 Residential Zone to R-3 Residential Zone. **(Recommended for denial by Planning.)**

- g) 2008-144 Shull Harris Construction, LLC (from C-5 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 3370 Jenkins Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from C-5 Neighborhood Commercial Zone to R-4 Special Zone. **(Recommended for approval by Planning.)**

- h) MR-2008-146 City of Chattanooga, c/o Dan Thornton (Close & Abandon). An ordinance closing and abandoning a portion of the eastern right-of-way of the 1100 block of Lindsay Street, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning and Public Works - see alternate version.)**

MR-2008-146 City of Chattanooga, c/o Dan Thornton (Close & Abandon). An ordinance closing and abandoning a portion of the eastern right-of-way of the 1100 block of Lindsay Street, 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. **(Recommended for approval by Planning and Public Works.)**

7. Resolutions:

- a) A resolution authorizing the Director of General Services to enter into an Agreement with Attorney Michael J. Mahn for legal services relative to the Public Safety Interoperable Communications Project at the rate of \$175.00 per hour with the total amount paid not to exceed \$37,500.00 pursuant to the Engagement Letter attached hereto and made a part hereof by reference.

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- b) A resolution authorizing the Chattanooga Police Department to issue funds from Reduction of Part I Offenses in the amount of \$10,000.00 to the Greater Chattanooga Crime Stoppers, Inc. to be used as rewards for tips leading to the arrest and conviction of persons who commit crimes.
 - c) A resolution adopting a five-year Capital Improvement Plan, subject to future revision, a copy of which is attached hereto and made a part hereof by reference.
 - d) A resolution authorizing the execution of Change Order No. 1 (Final) relative to Contract No. W-06-008-201, 2006 Miscellaneous Sanitary Sewer Point Repair Contract, with Mayse Construction Company, Inc., which change order increases the contract amount by \$35,745.57, for a revised contract amount not to exceed \$235,745.57.
 - e) A resolution authorizing the Department of Public Works to accept payment in the amount of \$236,617.50 from Ken Defoor Properties relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Phase 2 and 3.
 - f) 2008-142 Yetonia Edwards (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for a Residential Home for the Handicapped and/or Aged Persons Operated on a Commercial Basis on a tract of land located at 3713 Citico Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning - see alternate version.)**

2008-142 Yetonia Edwards (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for a Residential Home for the Handicapped and/or Aged Persons Operated on a Commercial Basis on a tract of land located at 3713 Citico Avenue, 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. **(Recommended for approval by Planning.)**
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.

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12. Agenda Session for Tuesday, September 16, 2008.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.