

**THIRD AMENDED AGENDA FOR TUESDAY, JANUARY 6, 2009**

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Page)
- III. Minute Approval.
- IV. Special Presentations.

**LOOKOUT VALLEY LIONS CLUB – BUDDY BLEVINS**

- V. Ordinances – Final Reading:
- VI. Ordinances – First Reading:

- a) An ordinance amending Chattanooga City Code, Part II, Section 2-542(5), so as to remove the restriction that a requirements contract not be let for a period in excess of one (1) year.

- b) 2008-175 Jerry Hagan (from O-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 7374 Applegate Lane, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**

2008-175 Jerry Hagan (from O-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 7374 Applegate Lane, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- c) 2008-190 Margaret Weinzettel (from R-2 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 907 Altamont Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to R-3MD Moderate Density Zone. **(Recommended for denial by Planning.)**

- d) 2008-194 Trudy Mott (from R-1 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1203 Rockway Drive, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3MD Moderate Density Zone. **(Recommended for denial by Planning.)**

- VII. Resolutions:

- a) A resolution recognizing, honoring, and commending Randall L. Nelson for his outstanding legal services and accomplishments during his service as Special Counsel and as City Attorney for the City of Chattanooga, Tennessee.

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- b) A resolution authorizing the Administrator of the Department of Parks and Recreation to enter into a Personal Services Contract with Townsend Atelier, LLC for Coordinator of Public Art services in an amount not to exceed \$41,600.00 beginning January 1, 2009 through December 31, 2009, two-thirds of which is privately funded, with the option to renew the contract for one (1) additional one (1) year term.
- c) A resolution authorizing the Department of Parks and Recreation to apply for and, if awarded, accept an Environmental Protection Agency Grant in the amount of \$14,741.00 for the "Ride Don't Drive" Program for funding for four (4) workshops with local business leaders and a continuation of the "Bike2Lunch" Program from July 1, 2009 to June 30, 2010, with a required in-kind match which will be provided by private resources.
- d) A resolution authorizing the Director of General Services to execute, on behalf of the City, a quitclaim deed in favor of Provident Life and Accident Insurance Company and given pursuant to Ordinance No. 12172 (Case No. MR-2008-112), passed by the City Council on October 21, 2008, closing and abandoning a portion of the former eastern right-of-way of the 400 block of Cherry Street and the southern right-of-way of the 100 block of East 4<sup>th</sup> Street.
- e) A resolution authorizing the Director of General Services to execute, on behalf of the City, an amendment to the City's Management Agreement with Chattanooga Housing Authority ("CHA") relative to Dogwood Manor Apartments which requires CHA to comply with the terms, conditions, and reporting requirements as set forth in the Affordable Housing Program ("AHP") Agreement by and among the Federal Home Loan Bank of Atlanta, the City, and Regions Bank, and be responsible for all long-term monitoring information and other reporting requirements required by the AHP Agreement.
- f) A resolution authorizing the Chief of Police to apply for and accept a grant from the City of Knoxville, in the amount of \$35,000.00 to be used for the investigation and prosecution of gang and gun related crimes.
- g) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to allocate \$85,000.00 for Fiscal Year 2008-2009 Neighborhood Partners Projects, a list of which is attached hereto and made a part hereof by reference, authorizing agreements with neighborhood organizations for same, and authorizing any unspent funds being used for additional Neighborhood Partners Projects and related activities and initiatives.
- h) A resolution authorizing the Administrator of the Department of Neighborhood Services and Community Development to enter into a partnership with the Chattanooga Girls Leadership Academy and the Young Women's Leadership Academy Foundation to implement the Science, Technology, Engineering, and Mathematics (STEM) Program for girls, which requires no appropriation of funds to implement said program.

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- i) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against Danny Watkins for a right-of-way and temporary construction easement at 5106 Hixson Pike, Tax Map No. 110B-A-002.01, Tract No. 01, relative to Contract No. E-06-006-202, North Point Boulevard Extension Project Phase 2 and 3.
- j) A resolution authorizing the Office of the City Attorney to institute eminent domain proceedings against John A. Nolan and Suzanne Nolan for permanent and sanitary sewer and temporary construction easements at 1112 Oak Street, Tax Map No. 146H-G-018, Tract No. 018, relative to Contract No. W-05-007-202, Warner Park/Engel Stadium Parallel Interceptor Sewer Project.
- k) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Arcadis U.S., Inc. relative to Contract No. R-07-005-102, Warner Park Parking Lot Addition, in an amount not to exceed \$78,529.00.
- l) A resolution authorizing the award of Contract No. E-08-009-201, Jefferson Park Sidewalk Contract, to Tennessee Dirtworks, Inc. in the amount of \$224,972.20, plus a contingency amount of \$22,497.80, for a total contract amount not to exceed \$247,470.00.
- m) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-05-007-103, Design of Surface Stormwater Runoff Ponds at Warner Park/Engel Stadium, with Arcadis U.S., Inc., which change order increases the contract amount by \$46,685.00, for a revised amount not to exceed \$234,225.00.
- n) A resolution authorizing the Administrator of the Department of Public Works to enter into an Engineering Services Agreement with Consolidated Technologies, Inc. for construction of the Airport Road pump station, force main, and airport connector sewer in an amount not to exceed \$193,150.00.
- o) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement with Arcadis U.S., Inc. for engineering services for the Moccasin Bend Wastewater Treatment Plant Odor Control Project in an amount not to exceed \$441,000.00.
- p) A resolution authorizing the Administrator of the Department of Public Works to approve Amendment 2 to Contract No. P0022829, Beneficial Use of Class A and/or Class B Biosolids from Moccasin Bend Wastewater Treatment Plant, with Recycle, LLC to change the way in which Fuel Adjustment is calculated.
- q) A resolution authorizing the Administrator of the Department of Public Works to approve Amendment 1 to Contract No. P0022820, Transfer, Transportation, and Disposal of Solid Waste and Construction Waste, with Chattanooga Transfer, LLC to change the way in which Fuel Adjustment is calculated.
- r) A resolution authorizing John Wise to use temporarily 25 Cherokee Boulevard to install awnings with graphics over the front door, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.

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- s) MR-2008-211, City of Chattanooga, c/o Dan Thornton (Purchase Property). A resolution authorizing the General Services Division to negotiate the purchase or lease of property located at 332 East Martin Luther King Boulevard, more particular described herein and as shown on the map attached hereto and made a part hereof by reference, from M. L. King Boulevard Community Development Corporation and, once negotiated, authorizing the Director of General Services to execute any and all documents necessary to accomplish said purchase or lease.

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, January 13, 2009.

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

XIV. Meeting to be recessed until Thursday, January 8, 2009 at 12:00 p.m. (noon).

XII. Agenda Session for Tuesday, January 13, 2009:

**AGENDA FOR TUESDAY, JANUARY 13, 2009**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Vice Chair Benson)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
  - a) An ordinance amending Chattanooga City Code, Part II, Section 2-542(5), so as to remove the restriction that a requirements contract not be let for a period in excess of one (1) year.
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 17, Article I, Sections 17-1 and 17-2, relative to adoption of the *International Fire Code*, 2006 Edition, and all referenced standards and publications specified therein, including the *2006 National Fire Protection Association (NFPA) 101 Life Safety Code* in its entirety, as the official Fire Code of the City of Chattanooga; to amend Section 17-2 as Appendices to the Code adopted; and to amend Section 17-3 as Amendments to the Code.
  - c) 2008-175 Jerry Hagan (from O-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 7374 Applegate Lane, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone. **(Not recommended for approval by Planning – see alternate version.)**  
2008-175 Jerry Hagan (from O-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 7374 Applegate Lane, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions. **(Recommended for approval by Planning.)**
  - d) 2008-190 Margaret Weinzettel (from R-2 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 907 Altamont Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-2 Residential Zone to R-3MD Moderate Density Zone. **(Recommended for denial by Planning.)**

- e) 2008-194 Trudy Mott (from R-1 to R-3MD). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 1203 Rockway Drive, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3MD Moderate Density Zone. **(Recommended for denial by Planning.)**

6. Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 5, Sections 5-75(b) and (c), to prohibit issuance of permits for the sale of beer or other alcoholic beverages near day care centers.
- b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Sections 122, 124, 152, 154, and 164, to provide for changes to RT-1 Residential Townhouse Zone, RZ-1 Zero Lot Line Residential Zone, and R-T/Z Residential Townhouse/Zero Lot Line Zone.
- c) MR-2008-208 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1400 block of East 36<sup>th</sup> 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 or Public Works.)**

MR-2008-208 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1400 block of East 36<sup>th</sup> 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 or Public Works.)**

- d) MR-2008-219 Jason Davis (Close & Abandon). An ordinance closing and abandoning an unnamed alley located at the south line of the 1400 block of Farleigh 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 or Public Works.)**

MR-2008-219 Jason Davis (Close & Abandon). An ordinance closing and abandoning an unnamed alley located at the south line of the 1400 block of Farleigh 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 or Public Works.)**

- e) MR-2008-222 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1600 block of North Orchard Knob 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 or Public Works.)**

MR-2008-222 City of Chattanooga, c/o Dennis Malone (Close & Abandon). An ordinance closing and abandoning a portion of the 1600 block of North Orchard Knob 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 or Public Works.)**

7. Resolutions:

- a) A resolution authorizing payment to Hamilton County, Tennessee, for the City's portion of insurance premiums for the period of December 20, 2008 through December 19, 2009 for jointly owned and insured properties in an amount not to exceed \$10,773.08 according to the attached list of premium breakdowns.
- b) A resolution authorizing the purchase of a right-of-way and temporary construction easement from L. B. Austin, III at 5110 Hixson Pike, Parcel No. 110B-A-001, Tract No. 02, relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Project Phase 2 and 3, for an amount not to exceed \$32,599.00.
- c) A resolution authorizing the purchase of a right-of-way and temporary construction easement from L. B. Austin, IV at 2105 Northpoint Boulevard, Parcel No. 110B-A-002.06, Tract No. 03, relative to Contract No. E-06-006-202, Northpoint Boulevard Extension Project Phase 2 and 3, for an amount not to exceed \$15,750.00.
- d) A resolution authorizing the Administrator of the Department of Public Works to approve Amendment 1 to the agreement with the Water Environment Federation for a follow-up audit, which amendment increases the agreement price by \$3,550.00, for a total revised agreement price not to exceed \$23,950.00.
- e) A resolution authorizing the Administrator of the Department of Public Works to approve Amendment 2 to the Engineering Services contract with Dr. Larry Moore, which amendment increases the contract price by \$9,900.00, for a revised total contract price not to exceed \$34,900.00.
- f) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-05-007-301, Warner Park Combined Sewer Overflow, with TS Geosciences, LLC, d/b/a Tri-State Geosciences, LLC, a subsidiary of Gallet and Associates, which change order increases the contract amount by \$5,000.00, for a revised contract amount not to exceed \$11,000.00.

8. Overtime Report.

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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, January 20, 2009.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.