

City Council Building
Chattanooga, Tennessee
November 7, 2006
6:00 p.m.

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Gaines introduced Colton Brown, a senior and President of the Student Council at Tennessee Temple Academy, who gave invocation.

MINUTE APPROVAL

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

CAPITAL IMPROVEMENTS BUDGET

City Attorney Nelson stated there has been the addition of \$75,000.00, thus the revision from last week.

Councilmen Benson and Franklin made the motion and second to substitute the amendment to this ordinance; the motion carried.

Chairman Pierce stated that the revision was explained in Committee.

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING
FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR
2006/2007 AND TO AMEND THE FISCAL YEAR 2006-2007 BUDGET
ORDINANCE NO. 11848**

passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2004-240: Andrew Shved

On motion of Councilman Page, seconded by Councilman Page,
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 300
BLOCK OF EAST MANNING (LEWIS) STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
passed first reading.

CLOSE AND ABANDON

MR-2006-141: Jedco, LLC

Councilman Rico stated this matter was discussed in Public Works Committee and approval is recommended.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
100 BLOCK RIGHT-OF-WAY OF WEST 13TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
passed first reading.

REAL ESTATE PURCHASE AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PROPOSAL
AND TO NEGOTIATE A REAL ESTATE PURCHASE AGREEMENT FOR THE
SALE AND REDEVELOPMENT OF THE FORMER ABB COMBUSTION, INC.
ADMINISTRATION BUILDING AND LAND LOCATED AT 1301 RIVERFRONT
PARKWAY, SUBJECT TO MANDATORY REFERRAL AND CERTAIN
CONDITIONS AS OUTLINED IN THE PROPOSAL SUMMARY ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE**
was adopted.

CONTRACT EXTENSION

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT WITH BARGE, WAGGONER, SUMNER AND CANNON, INC. TO PERFORM PROFESSIONAL MANAGEMENT SERVICES FOR THE DEPARTMENT OF PARKS AND RECREATION THROUGH DECEMBER 31, 2006 AT THE SAME WEEKLY RATE
was adopted.

ACCEPT FUNDS

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT FUNDS FROM FLETCHER BRIGHT COMPANY FOR ITS PORTION OF THE COST OF SANITARY SEWER WORK RELATIVE TO THE DEVELOPMENT KNOWN AS THE ONE NORTH SHORE PROJECT IN THE AMOUNT OF ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00)
was adopted.

ACCEPT GRANT

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GRANT FROM THE LYNDBURST FOUNDATION IN THE AMOUNT OF ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00) FOR THE FIRST PHASE OF THE MAIN STREET STREETScape FROM THE MARKET STREET INTERSECTION TO THE CORNER OF WILHOITE
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-06-002-201, 2006 CITY SIDEWALK REQUIREMENTS CONTRACT – CDBG PHASE 2, TO YERBEY CONCRETE CONSTRUCTION, INC. FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000.00)
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-06-012-201, 601 NORTH MOORE ROAD STORMWATER PROJECT, TO TALLEY CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF TWO HUNDRED NINE THOUSAND SIX HUNDRED SIXTY-ONE AND 46/100 DOLLARS (\$209,661.46), PLUS A CONTINGENCY AMOUNT OF TWENTY THOUSAND THREE HUNDRED THIRTY-EIGHT AND 54/100 DOLLARS (\$20,338.54), FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000.00)

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-06-012-201, MAIN STREET STREETScape, TO YERBEY CONCRETE CONSTRUCTION, INC. IN THE AMOUNT OF THREE HUNDRED SIXTY THOUSAND NINE HUNDRED SVENTY-FIVE AND 50/100 DOLLARS (\$360,975.50), PLUS A THIRTY-NINE THOUSAND TWENTY-FOUR AND 50/100 DOLLARS (\$39,024.50) CONTINGENCY AMOUNT, FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00)

was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-06-003-201, 2006 CITY SIDEWALK REQUIREMENTS CONTRACT - PHASE 3, WITH YERBEY CONCRETE CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FOUR THOUSAND THREE HUNDRED THIRTY-FOUR AND 16/100 DOLLARS (\$4,334.16), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND ONE HUNDRED FOUR AND 16/100 DOLLARS (\$125,104.16)

was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-03-028-102, HAMILL ROAD WIDENING (HIXSON PIKE TO HIGHWAY 153) TRINITY LANE – GENESIS LANE CONNECTOR, IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-06-013-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SEP), TO ROTO ROOTER PLUMBING SERVICE IN THE AMOUNT OF TWENTY-TWO THOUSAND EIGHT HUNDRED EIGHTY-TWO DOLLARS (\$22,882.00), PLUS A CONTINGENCY AMOUNT OF TWO THOUSAND ONE HUNDRED EIGHTEEN DOLLARS (\$2,118.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)
was adopted.

OVERTIME

Overtime for the week ending November 3, 2006 totaled \$9,958.37.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **GARY L. LANDSDEN** – Suspension (3 days without pay), Crew Worker, City Wide Services, effective October 30, 31-November 2, 2006.
- **TSHOMBE M. HIGH** – Suspension (4 days without pay), Crew Worker, City Wide Services, effective October 31-November 1, 2, 3, 2006.

PERSONNEL (Continued)

- **HENRY W. YANKOWSKI** – Resignation, Director, Land Development Office, effective November 22, 2006.
- **HAROLD J. MURRAY, III** – Suspension (3 days without pay), Equipment Operator, City Wide Services, effective November 3, 6, 7, 2006.
- **WILLIAM E. BOWN** – Resignation, Crew Worker, Sr., City Wide Services, effective November 3, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **LLOYD GIBSON** – Resignation, Cadet, effective November 2, 2006.
- **NICHOLAS MANN** – Termination, Cadet, effective November 6, 2006.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **MARGARET EDWARDS** – Resignation, Teacher Assistant, Head Start, effective October 26, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **MARK STACK** – Resignation, Police Officer, effective November 9, 2006.

PURCHASES

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchases were approved for use by the Public Works Department:

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (Single source)
R0094279

ArcIMS Software per TCA 6-56-304.6

\$16,000.00

PURCHASES (Continued)

GEOTIVITY (Best bid)
R0091022/B0003656)

Flow and Rain Gauge Monitoring System

\$250,000.00

SANI-TECH JET VAC SERVICES LLC (Best bid meeting specifications)
R0092636/B0003657

Sewer Line Cleaning (*Although Sani-Tech's bid is not the lowest bid, their bid is constant at \$133.75 per hour for the duration of the contract without adjustments. Performance Contracting, the lowest bidder, would be less expensive for the first two (2) years, but would be more expensive the final three (3) years.*)

\$251,550.00

PUBLIC WORKS PERSONNEL INQUIRY

Councilman Benson stated that he read in the personnel transactions where Henry Yankowski resigned and understands he is taking a job in Colorado. He stated that he wanted to say that he has been a real asset to this city and knows the rest of this Council has admired and respected him for his performance. He stated that he tried to bring it up in Committee earlier today and was told it was not to be announced and now it appears on the personnel transactions.

Deputy Admin. Lee Norris stated that Councilman Benson is correct that Mr. Yankowski has resigned for a position in Colorado and indicated he was not aware it was not to have been mentioned.

Councilman Benson clarified that Steve did not want it mentioned.

Councilman Rico noted that Steve might have thought Councilman Benson was talking about something else.

Councilman Benson responded "could be", however he wanted everyone to know the Council commends Mr. Yankowski.

HOTEL PERMIT

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford, the following hotel permit was approved:

CHATTANOOGA CHOO CHOO - 1400 Market Street, Chattanooga, Tennessee

HEARING RESULTS: OFFICER JEFFERY BALLARD

Councilman Rico reported that the hearing for Officer Jeffery Ballard went very well with himself and Councilmen Franklin and Rutherford serving as the panel. He stated that they came to a mutual agreement and did not have to vote on anything.

DISTRICT 6 MEETING

Councilwoman Rutherford expressed thanks to everyone who came out to the District 6 meeting last week. She stated Adm. Missy Crutchfield arranged for refreshments to be served at the senior center which was very nice.

COUNCIL COMMITTEES

Councilwoman Robinson stated that she did not know the proper way to do this however there are two Council committees that deal with education -- the Education, Arts and Culture Committee and the Health, Education, Human Services and Housing Opportunities Committee -- and somehow education is listed in the responsibility for the committee of which she serves. She stated it is appropriate for it to be in the Education, Arts and Culture Committee of which Councilwoman Rutherford is responsible. She stated she does not know if there is a need to have a motion to officially delete education or not from one of the committees.

Councilman Benson stated that the Chairman decides on the committees.

City Attorney Nelson stated that the Chairman makes committee appointments, but the Rules of the Council adopted by Resolution set forth the names of committees.

Councilwoman Robinson asked City Attorney Nelson to draft a resolution for next week to clear this up.

COUNCIL COMMITTEES (Continued)

Chairman Pierce clarified that only the "education" part of it should be addressed.

Councilwoman Rutherford stated education is such a broad issue; that Adm. Crutchfield's department handles some forms of education but not all; that maybe it really depends on what part of education is being addressed.

Chairman Pierce stated that the Council should let the City Attorney figure it out.

COMMITTEES

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, November 14 at 4 p.m.**

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, November 14 beginning at 3:30 p.m.**

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, November 14, 2006 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)**