

**City Council Building
June 24, 2008
6:00 P.M.**

Vice Chairman Benson called the meeting of the Chattanooga City Council to order with Councilpersons Berz, Gaines, Page, Pierce, Rico, Robinson and Shockley present. Chairman Bennett was absent due to a prior commitment. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Attorney McMahan, followed by invocation.

MINUTE APPROVAL

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

REZONING

(2008-79 Matt Brown)

On motion of Councilman Rico, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS
TO REZONE A TRACT OF LAND LOCATED IN THE 900
BLOCK OF EAST 8TH STREET, 710 PALMETTO STREET, AND
800 MCCALLIE AVENUE, MORE PARTICULARLY DESCRVED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, FROM R-4
SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT
TO CERTAIN CONDITIONS**

was substituted. On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the Ordinance passed second and final reading and was signed in open meeting.

AMEND CITY CODE
EXPENDITURES

Councilman Rico stated that this was discussed in committee and comes with a recommendation to defer.

Councilman Page stated that when this came up in committee, he was opposed to the Ordinance at this time because of internal housekeeping; that the Council needs to decide what they want to do about the Internal Auditor position; that he would like to add a friendly addendum that this be deferred until the Council can decide how we will do the Internal Audit function—that this is a housekeeping matter.

Vice Chairman Benson stated that there was a meeting a couple of weeks ago about the Internal Auditor position.

Councilman Pierce asked if this issue was tied jointly with the Internal Auditor position?

Councilman Page explained that he would like to have the Internal Auditor position in place before we discuss this issue.

Vice Chairman Benson stated that the first issue was the Internal Auditor position and this was part of this process.

Councilman Pierce stated that this issue could be brought back up, but it was not in partnership with the Internal Auditor position.

On motion of Councilman Page, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 2, SECTIONS 2-549, 2-551, 2-552, 2-554,
AND 2-560, BY RAISING TO TWENTY-FIVE THOUSAND
DOLLARS (\$25,000.00) THE AMOUNT OF EXPENDITURES
REQUIRED TO MANDATE PUBLIC ADVERTISING AND
BIDDING ON PURCHASES AND THE REQUIREMENT OF
APPROVAL BY THE CITY COUNCIL**
was deferred indefinitely.

CLOSE AND ABANDON

(2008-053 Bob Franklin c/o Girl's Preparatory School)

Councilman Rico stated that this was discussed in committee and there was some controversy; that it is in Chairman Bennett's district, and since she is not present tonight, this is to be deferred for one week.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**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**
was deferred for one week.

AGREEMENT

Councilman Pierce asked if this went out to bid?

Vice Chairman Benson stated we could ask Ms. Kelley about an RFP?

Councilwoman Gaines stated that she thought this was an extension of the contract and had been discussed in committee.

Councilman Pierce stated that if it were for psychological testing for policemen that he thought it should go out for bid.

Ms. Kelley explained that this is a Professional Services Agreement that she was recommending. Councilman Pierce still questioned if it did not have to go out for bid?

Attorney McMahan explained that State Law says you are not supposed to bid for a Professional Services Contract.

Ms. Kelley stated that she would be glad to put this out for bid, but it would be against her recommendation. She went on to explain that some time ago we had this service rendered by someone who did not meet the licensing requirement and we moved to another entity with an RFP—that this lasted for four years, and they went out of business; that when we needed an evaluator, none was to be found, and it was extremely difficult; that she was trying to preserve continuity.

AGREEMENT (CONT'D)

Councilman Shockly asked, under the scope of services in Item 3, if the confidentiality issue would be connected with this?

Attorney McMahan explained that all medical reports are separate and confidential, with the exception that with Police Officers the Post Commission requires that they be psychologically free from recognized mental illnesses—that being neurotic would not disqualify them.

Ms. Kelley explained that we need people who have experience in evaluating officers, and this group does.

Councilman Pierce questioned how Mr. Brookshire arrived at his fees, questioning if it were \$25,000 on an individual basis? He stated that he would like to know the number that he processed a year.

Ms. Kelley responded that we have four academies per year; that to date it had never cost this much money; that there cannot be an exact flat fee.

Councilwoman Gaines stated that she thought Ms. Kelley shared with the Council last week that this was the second contract with this doctor.

Ms. Kelley responded that it was the second 3-year period.

Councilwoman Gaines stated that Ms. Kelley also shared the importance of not transferring and changing every year; that she did not think she was recommending an increase in his rate.

Councilman Page noted that we had used this individual before and had been pleased—that this was very specific testing, stating that he was sure Ms. Kelley was maintaining an hourly rate.

Ms. Kelley responded that the attachment does include an hourly rate.

Councilman Pierce noted that we had just had an issue about raising the “ceiling” to \$25,000 without having to come to the Council. He asked if we had passed on this, would this matter not have had to be brought to the Council? Ms. Kelley stated that Professional Services Agreements come to the Council, regardless. Attorney McMahan, however, stated that the prior Ordinance was drafted broadly enough to cover this, with Councilman Pierce confirming that they would not have had to report this.

AGREEMENT (CONT'D)

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PERSONNEL TO EXECUTE AN AGREEMENT WITH DONALD L. BROOKSHIRE, PSY.D, RELATIVE TO PROVIDING POLICE DEPARTMENT EMPLOYMENT AND FITNESS FOR DUTY PSYCHOLOGICAL EVALUATIONS WITH PAYMENTS NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) PER YEAR
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH ANIMAL CARE TRUST d/b/a McKAMEY ANIMAL CARE AND ADOPTION CENTER, INC. TO OPERATE THE NEW ANIMAL CARE AND ADOPTION CENTER; DECLARING SURPLUS FOUR (4) VEHICLES DESCRIBED HEREIN; AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY SAID VEHICLES TO ANIMAL CARE TRUST d/b/a McKAMEY ANIMAL CARE AND ADOPTION CENTER, INC.
was adopted.

Councilwoman Berz stated that she had a question and wanted to know if anyone was present from McKamey Animal Care?

Vice Chairman Benson stated that Dan Johnson could answer questions.

Councilwoman Berz stated that she hoped she was not being “frivolous”, but she had a couple of questions about the transfer of services. She wanted to know when the transfer of services would be complete? Mr. Johnson responded that it would be effective July 1st.

Councilwoman Berz stated that she was getting from “311” that there would be a hiatus, and no one would be doing anything for animals.

Mr. Johnson stated that there would be a transition period; that “311” would be referring calls to the McKamey Center.

AGREEMENT (CONT'D):

Councilwoman Berz confirmed that this would all be handled before the transition. She went on to say that “311” was saying there would 4-5 days where there would be no service. Her next question was “Would this be a No-Kill Center”? Mr. Johnson responded “as much as possible”. Councilwoman Berz continued, asking if this would be a No-Kill Center?

Mr. Johnson responded that he could not answer absolutely—that there would be some euthanasia; however the primary function is adoption.

Councilwoman Berz stated that she wished the McKamey Center well; however they do need some PR because it is being said that they will be very much a “Kill Center”.

Mr. Johnson explained that they were getting bad PR from another center—that they were spreading this.

Vice Chairman Benson stated that he did not know if it were possible to have a “No Kill” Center—that sometimes those that were not treatable, trainable, or adoptable had to be killed. He stated that he thought the McKamey Center would do their best; that this center would be the “pride” of the eastern part of this country.

CONTRACT

Councilman Shockley stated that this was discussed in committee and comes with a recommendation.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS & RECREATION TO ENTER INTO A CONTRACT WITH TOWER CONSTRUCTION CO., INC. TO CONSTRUCT A CONCESSION/RESTROOM BUILDING AT THE WASHINGTON HILLS RECREATION CENTER IN THE AMOUNT OF ONE HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED FOUR DOLLARS (\$188,304.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND SIX HUNDRED NINETY-SIX DOLLARS (\$3,696.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-TWO THOUSAND DOLLARS (\$192,000.00)

was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND, IF GRANTED, ACCEPT A BYRNE JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., IN A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-NINE THOUSAND SIX HUNDRED FIFTY AND 76/100 DOLLARS (\$159,650.76) TO BE USED FOR GANG SUPPRESSION/IDENTIFICATION WITH NO LOCAL MATCHING FUNDS REQUIRED
was adopted.

Councilman Rico noted that Resolutions (e), (f), (g) and (h) were all discussed in committee and come with a recommendation.

MAINTENANCE CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2008-2009, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH BARGE, WAGGONER, SUMNER & CANNON, INC. RELATIVE TO CONTRACT NO. E-04-036, ENTERPRISE SOUTH ROADWAY EXTENSION, PAHSE II, AND SEWER IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JAMESTOWN WAREHOUSE ROW, LP RELATIVE TO A LAND SWAP, AS SHOWN ON THE ATTACHED LAND SWAP EXHIBIT, AND FOR RELOCATION OF THE STREET, SIDEWALKS, AND ON-STREET PARKING FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00), AND FURTHER AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE DEEDS AND ANY OTHER DOCUMENTS RELATING THERETO
was adopted.

TEMPORARY USAGE

On motion of Councilman Rico, seconded by Councilman Page,
A RESOLUTION AUTHORIZING ORANGE GROVE CENTER TO USE TEMPORARILY A SEWER EASEMENT RUNNING NORTH TO SOUTH ALONG THE SOUTH SIDE OF THE 2300 BLOCK OF BLACKFORD STREET AND THE EAST SIDE OF 460 DODSON AVENUE TO INSTALL A METAL SHELTER TO PROTECT THE RECYCLED MATERIALS DELIVERED BY THE CITY TO ORANGE GROVE, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

Councilwoman Gaines expressed that she hoped Mr. Leach would visit Blackford Street more often, explaining that was the street where she lived.

SURPLUS PROPERTY

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE EXCHANGE WITH OLAN MILLS OF PART OF A TRACT OF LAND LOCATED IN THE 4200 BLOCK OF AMNICOLA HIGHWAY (“CITY’S PROPERTY”) FOR PART OF A TRACT OF LAND LOCATED IN THE 4300 BLOCK OF AMNICOLA HIGHWAY (“OLAN MILLS’ PROPERTY”), BOTH OF WHICH ARE MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR SAID EXCHANGE/ACQUISITION

was adopted.

PER.SERVICES AGREE.

On motion of Councilwoman Gaines, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA PERSONNEL ADMINSTRATOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH MORRIS & McDANIEL, INC. FOR THE DEVELOPMENT AND ADMINISTRATION OF EXAMS FOR PROMOTIONAL TESTING FOR THE POSITIONS OF FIRE LIEUTENANT AND FIRE CAPTAIN IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$90,945.00) WITH ENCUMBERANCE TO THE PERSONNEL DEPARTMENT AND THE FIRE DEPARTMENT

was adopted.

Vice Chairman Benson thanked Ms. Kelley and the Fire Chiefs for working this out.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. T-06-005-201, STEIN CONSTRUCTION COMPANY, INC., FRAZIER AVENUE AT TREMONT STREET INTERSECTION IMPROVEMENT IN THE AMOUNT OF NINETY-TWO THOUSAND TWO HUNDRED SIXTY-EIGHT AND 89/100 DOLLARS (\$92,268.89), PLUS A CONTINGENCY AMOUNT OF NINE THOUSAND TWO HUNDRED THIRTY-ONE AND 01/100 DOLLARS (\$9,231.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED ONE THOUSAND FIVE HUNDRED DOLLARS (\$101,500.00)

was adopted.

Councilman Pierce wanted to know who approved this getting on the agenda?

Vice Chairman Benson also expressed concern as to how both of the last two Resolutions got on the agenda, stating that we had a problem about add-ons.

Councilman Pierce asked if it was a rush to do this at this time and could it not wait another week? He stated that there were some committee meetings that he failed to appear at and maybe this had been discussed in committee. He stated that the Council needed to come to some understanding on adding these on every week. He again asked why these were on the agenda tonight?

Adm. Leach explained that they were trying to match a State Program and getting a price for paving and while they were paving, they did not want to have to re-bid for the intersection; that they were trying to do the intersection consecutively with the paving.

Councilman Pierce asked when they were aware that this needed to be done? Adm. Leach responded a couple of weeks ago; that they had talked to Chairman Bennett about this.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-015, TO HIGHWAYS, INC., FRAZIER AVENUE PAVING (NORTH MARKET STREET TO BARTON AVENUE), USING UNIT PRICES AND ADJUSTMENT FACTORS ESTABLISHED PER THE TENNESSEE DEPARTMENT OF TRANSPORTATION CONTRACT NO. CNG042, PROJECT NO. 33015-8260-14, WITH THE TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)

was adopted.

Councilwoman Berz stated that one of the concerns, in all fairness to Administration, with the MTAS Training the Council has been discussing such topics of the habit we have of adding agenda items at the last minute and folks not knowing about this ahead of time. She stated that MTAS did not think this was a good practice; that the Council needs plenty of notice ahead of time; that the Council needs at least a week's notice of something to be on the agenda.

Vice Chairman Benson added that the public also needed to know in advance.

Councilman Pierce stated that his concern was not because of MTAS; that he had been trying to get this in order for years; that when he was Chairman this slowed down. He stated that he was also concerned about a lot of change orders.

OVERTIME

Overtime for the week ending June 20, 2008, totaled \$128,249.43.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORK DEPARTMENT:

- **DENNIS MARSHALL**—Retirement of Crew Worker, effective 6/16/08.
- **TRACY L. MURRAY**—Five Days Suspension without pay for Equipment Operator 3, effective 6/19, 6/20—6/23—6/25, 08.

MAYOR’S OFFICE (IS):

- **ANNIE L. LING**—Hire as Business Project Analyst, Range 25, \$72,000.00 annually, effective 6/20/08.

CHATTANOOGA POLICE DEPARTMENT:

- **LEROY WRIGHT, JR.**—Return from Military Duty of Police Officer, effective 6/06/08.
- **CHRISTOPHER S. LAWSON**—Military Leave of Absence for Police Officer, effective 6/13/08—8/19/08.
- **KENNETH H. BOYD**—Resignation of Animal Service Officer, effective 6/19/08.

PURCHASES

On motion of Councilwoman Berz, seconded by Councilwoman Gaines, the following purchase was approved for use by the Chattanooga Human Services Department:

CHILDREN’S HOME (Long-standing agreement)
Requisition R0109980

Collaborative Partnership Services for Head Start & Early Head Start

\$45,355 per month

PURCHASES (CONT'D)

Councilman Pierce questioned if it was this amount per month, noting that it was almost a half million dollars. Ms. Turner explained that we pay one-half and the Children's Home one-half—that it is federal funds. Councilman Pierce stated that it was still one-half million dollars.

On motion of Councilwoman Berz, seconded by Councilwoman Gaines, the following payment for services were approved for use by the Chattanooga Human Services Department:

May, 2008 (Past Due)	\$45,354.51
June, 2008 (Approximate)	\$45,354.51

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Department of Parks and Recreation:

CHATTANOOGA TRACTOR (Lowest and best bid meeting specs.)
Requisition R0110009/B0005287

Utility Tractor

\$24,275.00

PURCHASES

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

IMPROVED CONSTRUCTION METHODS (Only bid meeting specs.)
Requisition R01009981/B0005281

Trench Shields

\$34,365.00

PURCHASES (CONT'D)

Councilman Pierce wanted to know how many trench shields we have now? Adm. Leach responded we have some at the yards and some at the Sewage Treatment Plant—that he was not sure of the total inventory. Councilman Pierce stated that the shields should not wear out quickly. Adm. Leach responded that his people told him they needed them.

On motion of Councilwoman Gaines, seconded by Councilwoman Berz, the following purchase was approved for use by the Public Works Department:

LOCATION TECHNOLOGIES, INC. (Only bid meeting specs.)
Requisition R0108563/B0005152

Automated Vehicle Location Equipment

(See minute material for individual pricing)

At this point, Adm. Leach explained that he was bringing up an issue that was discussed in committee meeting concerning Hamill Road and I-53; that we will probably have to condemn property to get this project moving; that neighbors are not yielding to discussion and have employed an attorney. He was requesting that this be added to next week's agenda—Hamill Road condemnation.

Vice Chairman Benson confirmed that this was discussed in committee and can be added to next week's agenda.

PURCHASE

Mr. Tony Sammons reported for the Department of Neighborhood Services and Community Development that all bids were to be rejected for demolition services on Requisition R0108261 for property located at Main Street and Central Avenue.

PURCHASES

On motion of Councilwoman Berz, seconded by Councilwoman Gaines, the following purchase was approved for use by the Chattanooga Fire Dept.:

**MUNICIPAL EMERGENCY SERVICES (Lowest and best bid);
Requisition R0109998/B0005273**

Fire Hose

\$17,570.00

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following rejection of bids was approved for use by the Chattanooga Fire Dept.:

**WESTERN SHELTER SYSTEM (Reject all bids)
Requisition R0107047/B0004949**

PURCHASES

On motion of Councilman Page, seconded by Councilman Rico, the following purchase was approved for use by the Finance Dept. (City Court):

**LATIN AMERICAN CONSULTING (Providing on an as-needed basis)
Requisition R0110861**

Interpreter Services

\$3,500.00 (Not to exceed)

On motion of Councilman Page, seconded by Councilman Rico, the following purchase was approved for use by the Finance Dept. (Air Pollution):

**LAMAR OUTDOOR ADVERTISING (Best proposal meeting specs.)
Requisition R0108676**

Outdoor Advertising

\$11,856.00

PURCHASES (CONT'D)

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchase was approved for use by the Finance Dept. (Regional Planning Agency):

**AQUATERRA ENGINEERING, LLC (Because of expertise & reputation):
Requisition R0109272**

Phase II Brownfields Site Assessment and Clean Up Planning

\$134,860.00

REFUNDS

On motion of Councilman Rico, seconded by Councilman Pierce, the Administrator of Finance was authorized to make the following refund of gross receipts tax:

HIGHLINES OF CHATTANOOGA LLC--\$4,104.72

On motion of Councilman Rico, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to make the following refund due to one building and part of land exempt per TN State Board of Equalization for the tax year 2007:

OLIVET BAPTIST CHURCH--\$1,636.46

Councilman Pierce asked if this was to be jointly funded with the County, and the answer was "yes". He stated that he thought churches were to be exempt. Vice Chairman Benson questioned if parsonages were exempt. Both Councilman Pierce and Vice Chairman Benson felt that just sanctuaries were exempt.

Attorney McMahan explained that there were various exemptions under State Law such as churches, hospitals, etc.—that there were lots of tax-exempt parcels.

REFUNDS (CONT'D)

Councilman Pierce stated that this property is not actually being used for church purposes—that the church is acquiring lots of property and questioned if all is tax-exempt? Attorney McMahan responded that it was tax-exempt if it were being used by the church—that the City has no say in this—that it is a State decision.

BOARD RE-APPOINTMENT

The following Board re-appointment was made to the **BOARD OF OFFICE OF MULTICULTURAL AFFAIRS**:

- On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the re-appointment of **JANET PERFETTI** for a three-year term, expiring **June 30, 2011**, was approved. This is Councilman Jack Benson's District 4 reappointment.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Page, the following purchase was approved for use by the Mayor's Office (IS Division):

ACS GOVERNMENT SYSTEMS, INC. (Single Source Purchase)
Requisition R0110378

Annual Software Licenses and Maintenance for the Banner Financial Software System July 1, 2007 thru June 30, 2008

\$56,409.21

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Mayor's Office (General Services):

MCH KENWORTH (Best bid meeting specs.)
Requisition R0109368/B0005209

Three (3) Tri-Axle Dump Trucks

\$420,413.19

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Mayor's Office (General Services):

PATE'S HAULING AND DEMOLITION (Lowest & best bid):
Requisition R0109736/B0005263

Demolition Services for the Narrow Bridge Restaurant property

\$13,982.00

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchase was approved for use by the Mayor's Office (General Services);

SOUTHERN PUMP AND TANK (Payment due for services performed)
Requisition R01108

Unscheduled repairs for fuel tanks for the Fleet Management Div.

\$6,871.00

HEARING:SHAUN STANDIFER

Attorney McMahan reported that the hearing for **Shaun Standifer** that was scheduled for August 4th will have to be re-scheduled because Chief Rowe will not be available on that date. The new scheduled time will be **August 11th at 9:00 a.m.** Vice Chairman Benson, who was on the original panel, will not be able to serve on this date. The new panel will consist of **Councilmen Page, Pierce, and Gaines, with Councilwoman Robinson as alternate.**

COMMITTEES

Councilwoman Berz scheduled a **Budget and Finance/Personnel Committee meeting for Tuesday, July 8th, immediately following the Public Works Committee** to discuss the Last Chance Agreement and also for a review of the Capital Budget.

Councilwoman Gaines scheduled a **Safety Committee meeting for July 1st, immediately following the Legal and Legislative Committee.**

Vice Chairman Benson announced that the **Legal and Legislative Committee will meet next Tuesday, July 1st at 3:00 p.m.** At this time the Transportation Amendment to the new Ordinance will be discussed, as well as the Wrecker Ordinance.

LAWRENCE CURRY

Mr. Curry appeared before the Council stating that he was wondering if the Council has the authority to pass an Ordinance? Prompted by Councilman Pierce to get to the point, Mr. Curry stated that he was concerned about something that was happening all over town in such places as the Burger King, Kentucky Fried Chicken, and Wendy's—that some people have their pants below where they should be and it looks like there is something in these pants! He stated that he was wondering if the Council could do something about this. He stated that in Atlanta they would put you in jail for this, and he was concerned about Chattanooga. He stated that this was a health problem and asked if the Council could initiate any steps to stop this. He asked Councilman Rico what his position was on this.

LAWRENCE CURRY (CONT'D)

Councilman Rico responded that he agreed but that he would defer to the City Attorney.

Vice Chairman Benson questioned if any City could tell a person to “pull their pants up”.

Attorney McMahan stated that he had experience in personal dress, mentioning an incident in respect to hair cuts, stating that the Law is very restrictive concerning personal appearance—that the Courts took a skeptical view of this. He went on to say that something like this would not be at all possible to uphold in the courts.

Mr. Curry stated that he guessed he would just have to continue to look at people with their pants down, looking like something was in them.

YUSUF HAKEEM'S MOTHER

Vice Chairman Benson noted that Yusuf Hakeem had served many years on the City Council and was now with the State; that his Mother had died recently and a wake would be held for one hour today from 7:00 p.m. to 8:00 p.m.

ADJOURNMENT

Vice Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, July 1, 2008 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)**

