

**CITY COUNCIL BUILDING
AUGUST 2, 2011
6:00 P.M.**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. 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 Councilman Benson, followed by invocation.

MINUTE APPROVAL

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

**AMEND BUDGET/
MULTICULTURAL AGENCY**

On motion of Councilman McGary, seconded by Councilman Gilbert,
**AN ORDINANCE AMENDING THE FISCAL YEAR 2011/2012
BUDGET ORDINANCE AND ALLOCATING SEVENTY-FIVE
THOUSAND DOLLARS (\$75,000.00) FROM THE ECONOMIC
DEVELOPMENT FUND TO BE USED FOR THE PURPOSE OF
SUPPORTING AN AGENCY WITH THE GOAL OF ASSISTING SMALL
BUSINESSES, MULTICULTURAL, MINORITY, AND WOMEN-OWNED
BUSINESSES IN THE CITY OF CHATTANOOGA**
passed second and final reading and was signed in open meeting with Councilwoman Scott voting NO.

CAPITAL BUDGET

Councilwoman Scott stated that she was coming from different angles concerning this; that she had problems executing a Budget where we were taking a \$20 million bond issue to spend \$11 million dollars on a Capital Budget. She noted that the economic climate was uncertain, heightened by

CAPITAL BUDGET (CONT'D)

what is going on in Washington, and we are not an island. She mentioned that several things in the Capital Budget were not necessities, stating that she found it difficult at this time and would not support this Budget.

Councilman Benson stated that he would like to amend the Ordinance to add a condition to the History Center allocation to make it effective that the Center give a 50% user fee reduction for city residents—to request that city residents be admitted to the History Center at 50% of the normal cost. The motion failed for lack of a second.

Councilman McGary stated that he would not vote for this motion, questioning if there was an allocation in this Budget for the History Center. Councilman Benson related to him that there was a \$250,000 allocation and explained that he was just trying to get something for the people who are paying for it.

Councilwoman Scott stated that the city taxpayers paying for the History Museum is one reason there is a problem with this Budget; that we are opening “Pandora’s Box” by doing this.

Councilman Benson felt that Councilwoman Scott was in error, noting that we were allocating \$50,000 to Fortwood and there was also an allocation to Orange Grove—that we were not setting a precedent by allocating to the History Museum.

On motion of Councilwoman Berz, seconded by Councilman Rico,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR
ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET
FOR THE FISCAL YEAR 2011/2012 AND TO AMEND THE FISCAL
YEAR 2011/2012 BUDGET ORDINANCE NO. 12523**

passed second and final reading on roll call as follows:

COUNCILMAN RICO	YES
COUNCILMAN MCGARY	YES
COUNCILMAN MURPHY	YES
COUNCILWOMAN SCOTT	NO
COUNCILWOMAN ROBINSON	YES

CAPITAL BUDGET (CONT'D)

COUNCILMAN BENSON	YES
COUNCILMAN GILBERT	YES
COUNCILWOMAN BERZ	YES
CHAIRMAN LADD	YES

COLLEGEDALE BOUNDARIES

Attorney McMahan asked if there was anyone in the audience who wished to speak to this matter. There was no one.

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE ADJUSTING BOUNDARIES OF THE CITY OF CHATTANOOGA AND THE CITY OF COLLEGEDALE PURSUANT TO T.C.A. 6-51-302 TO PROVIDE THAT THE ROAD RIGHT-OF-WAY OF APISON PIKE BEGINNING ON THE SOUTH EASTERN CORNER OF THE RIGHT-OF-WAY OF APISON PIKE AT THE INTERSECTION OF PATTENTOWN ROAD AND APISON PIKE AND FOLLOWING THE SOUTHERN BOUNDARY OF THE APISON PIKE RIGHT-OF-WAY UNTIL IT MEETS THE CURRENT CITY LIMITS OF THE CITY OF COLLEGEDALE AT THE EASTERN SIDE OF THE RIGHT-OF-WAY OF AN UNNAMED ACCESS ROAD WHICH IS THE CURRENT ENTRANCE TO THE SUMMIT OF SOFTBALL PARK AND THE SUMMIT LANDFILL; THENCE NORTHBOUND FOLLOWING THE CITY LIMITS OF THE CITY OF COLLEGEDALE TO THE NORTHERN RIGHT-OF-WAY OF APISON PIKE; THENCE WESTWARD BACK TO THE CURRENT CITY LIMITS OF THE CITY OF CHATTANOOGA AT THE INTERSECTION OF APISON PIKE AND PATTENTOWN ROAD; AND THENCE SOUTH TO THE POINT OF BEGINNING SHALL BECOME PART OF THE CORPORATE LIMITS OF THE CITY OF COLLEGEDALE BY MUTUAL AGREEMENT AS SHOWN ON THE ATTACHED MAP

passed first reading.

REPEAL CODE(LIBRARIES)

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**AN ORDINANCE TO REPEAL CHATTANOOGA CITY CODE, PART
II, CHAPTER 22, LIBRARIES, IN ITS ENTIRETY, AND TO REPLACE
IT WITH A NEW CHAPTER 22**
passed first reading.

Councilman McGary noted that this Chapter stated that not more than five members should be of the same sex, questioning why there was not also a minority number? Attorney McMahan explained that this mimicked the State language; that he, too, agreed there should be a multicultural factor; that he thought the reason for the gender was the fear that traditionally women are much more involved in libraries than are men and there would be more women on the Board, prompting Councilwoman Berz to quip that “women are so much more literate!” Attorney McMahan reiterated that this just “tracked” the State Law. Councilman McGary asked if this could be changed and was told by Attorney McMahan that Mayor Littlefield intended to try to increase the number of the Board to 11 and at that time we could also seek representation of minorities.

PARTIAL PAYMENT/TAXES

On motion of Councilwoman Berz, seconded by Councilman McGary,
**AN ORDINANCE CREATING A NEW SECTION 2-110 TO ALLOW
FOR THE CITY TREASURER TO ACCEPT THE PARTIAL PAYMENT
OF PROPERTY TAXES AND WATER QUALITY FEES**
passed first reading.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN
AGREEMENT WITH J.D. HELTON ROOFING COMPANY, INC. FOR
FLAT ROOF RENOVATION AT THE WASHINGTON HILLS
RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED TWELVE
THOUSAND NINE HUNDRED FIFTY DOLLARS (\$12,950.00)**
was adopted.

TEMP. R-O-W USE

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING WADE VERBLE TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 516 EAST MAIN STREET FOR THE PLACEMENT OF A HANDICAP RAMP IN A PORTION OF THE RIGHT-OF-WAY (SIDEWALK), AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. R-O-W USE

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING ALFONSO FUENTES TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY LOCATED AT 314 WEST MAIN STREET ALONG THE FRONT OF THE BUSINESS FOR THE PLACEMENT OF A PATIO AREA, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BE REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

ART GRANT

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE LYNDHURST FOUNDATION FOR THE ART ON MAIN—CONCRETE FOUNDATIONS, IN THE AMOUNT OF TWO THOUSAND TWO HUNDRED FIFTY DOLLARS (\$2,250.00), SO AS TO PURCHASE MATERIALS FOR INSTALLATION OF ART WORK ALONG THE MAIN STREET CORRIDOR
was adopted.

(At this time, Councilmen Rico and Murphy left the meeting to attend National Night Out community associations' gatherings.)

CONTRACT

On motion of Councilman Benson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-09-039-201 TO TALLEY CONSTRUCTION COMPANY, INC., FOR THE SHALLOWFORD ROAD SEWER RELOCATION PROJECT, IN AN AMOUNT OF FIVE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED ONE AND 72/100 DOLLARS (\$555,501.72), WITH A CONTINGENCY AMOUNT OF FIFTY-FIVE THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$55,550.00), FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED ELEVEN THOUSAND FIFTY-ONE AND 72/100 DOLLARS (\$611,051.72)
was adopted.

CONTRACT C.O.

Councilman McGary made the motion to approve a Resolution for a change order with Jacobs Engineering Group, Inc. for technical assistance in support of regulatory negotiations for an increased amount of \$90,000 for a revised contract amount not to exceed \$470,000.00. The motion died for lack of a second.

GRANTS/BETA CITIES PROGRAM

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF SUSTAINABILITY TO APPLY FOR AND, IF APPROVED, ACCEPT THREE (3) FIVE THOUSAND DOLLARS (\$5,000.00) GRANTS FROM THE LYNDHURST FOUNDATION, THE BENWOOD FOUNDATION, AND THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA FOR PARTICIPATION IN THE STAR COMMUNITY INDEX BETA CITIES PROGRAM
was adopted.

GRANTS/CITYSTATES GROUP

On motion of Councilwoman Berz, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF SUSTAINABILITY TO APPLY FOR AND, IF APPROVED, ACCEPT TWO (2) FIVE THOUSAND DOLLAR (\$5,000.00) GRANTS FROM THE LYNDHURST FOUNDATION AND THE BENWOOD FOUNDATION FOR PARTIAL PAYMENT AND SPONSORSHIP OF THE CHATTANOOGA CONVERGENCE OF THE CITYSTATES GROUP MEETING HELD IN CHATTANOOGA ON JUNE 24TH THROUGH JUNE 28, 2011.

was adopted.

INTERLOCAL AGREEMENT/
CITY OF COLLEGEDALE

On motion of Councilman Benson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF COLLEGEDALE TO ADJUST THE BOUNDARY ALONG 8300 THRU 8700 BLOCK OF APISON PIKE SO THAT IT WILL BE MAINTAINED AND BE INCLUDED IN THE CITY OF COLLEGEDALE

was adopted.

FIVE-YEAR CAPITAL PLAN

On motion of Councilwoman Berz, seconded by Councilman Benson,
A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2012-2016, SUBJECT TO FUTURE REVISION; A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted, with Councilman McGary and Councilwoman Scott voting No.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JACOBS ENGINEERING GROUP, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-11-004-101, SUMMIT LANDFILL GAS REHABILITATION AND UPGRADE PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-EIGHT THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$228,890.00)

was adopted.

PLANNING GRANT

On motion of Councilwoman Berz, seconded by Councilwoman Robinson, **A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF SUSTAINABILITY TO APPLY FOR AND, IF APPROVED, ACCEPT A CHOICE NEIGHBORHOOD INITIATIVE PLANNING GRANT, IN ORDER TO WORK WITH NEIGHBORHOOD SERVICES, HUMAN SERVICES, PUBLIC WORKS, AND CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00). THE GRANT MAY REQUIRE A FIFTEEN THOUSAND DOLLARS (\$15,000.00) IN-KIND OR CASH MATCH IF AWARDED** was adopted.

OVERTIME

Overtime for the week ending July 26, 2011, totaled \$53,404.47.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **LEROY WRIGHT, JR.**—28 Days Suspension without pay for Police Officer, 7/27-8/23/2011.
- **ROY GRASHAM**—Termination of Police Officer, 7/27/11.
- **JOSHUA BREWER**—Resignation of Police Officer, effective 7/29/11.
- **JERRY POTEET**—Retirement of Police Officer, effective 7/31/11.

PUBLIC WORKS DEPT.:

- **JOHN CENA**—FMLA for Plant Operator 2, effective 6/17-8/9/2011.

PERSONNEL (CONT'D)

PARKS AND RECREATION DEPT.:

- **BRIAN SMITH**—Hire as Public Relations Coordinator 1, Range 15, \$45,457.00 annually, effective 7/25/11.
- **BONNIE WRIGHT-WOODWARD**—Hire as Fiscal Analyst, Range 17, \$41,600 annually, effective 8/1/11.

CHATTANOOGA FIRE DEPT.:

- **GARY SPANGLER**—Promotion to Building Maintenance Mechanic 2, Range 12, \$31,021.00 annually, effective 7/29/11.
- **WILLIAM COMMINS**—Resignation of Fire Captain, effective 7/17/11.
- **JAMES MANIS**—Retirement of Fire Captain, effective 7/28/11.
- **JAMES B. MOORE, JR.**—Retirement of Fire Lieutenant, effective 7/18/11.
- **FRANK ROZZELL, JR.**—Resignation of Fire Captain, effective 7/17/11.
- **PERRY STEPHENS, JR.**—Military Leave of Fire Lieutenant, effective 6/19-9/30-2011.
- **DANIEL ATKINS**—One-Day Suspension without pay for Senior Firefighter, effective 8/1/11.

CONTRACT CHANGE ORDER

At this time, Adm. Leach approached the podium, stating that he was concerned about the “No” vote on Resolution (f). He explained that they were in the middle of dealing with EPA and Jacobs Engineering Group, Inc. was their source of technical information and assistance. He stated that they could brief the Council on this again next week but asked that this be continued and not voted down. He added that his Staff was not technically equipped to handle this. **On motion of Councilman Gilbert, seconded by Councilwoman Robinson, permission was given to look at this again, with Councilwoman Scott voting “no”.**

Councilman Benson asked if the work had been done and was told “no”. Adm. Leach stated that they relied on the Jacobs Engineering Group’s Staff and that Mike Merino of Jacobs was here to resolve any EPA questions. He reiterated that they relied on their expertise in dealing with EPA and that this was a continuing process, and they relied on Jacobs very heavily.

Attorney McMahan stated that he would echo what Adm. Leach had said; that we were in serious negotiations with EPA and a lawsuit is pending and Jacobs is an excellent technical advisor. He urged to move forward with this, stating that from his perspective negotiations had proceeded well and this should be finished in a month or so or by the end of the year; that this was a lot of money, but the downside would be stupendous.

Councilwoman Scott stated that she did not have a good “feel” about this—that she had heard a month or the end of the year, and the work was not done. She questioned how we could know that it will just be \$90,000?

Mr. Merino of Jacobs Engineering Group stated that he put this amendment together; that part of the total was for Water Quality (\$100,000)—that other pieces were involved; that they provided support services; that he thought we would be okay on the side that we were talking about tonight; that EPA had required additional meetings and were asking for more information, which required workshops. He explained that he had divided this into three tasks: (1) Meetings and preparation for the meetings, stating that these meetings take time and effort; (2) Affordability Analysis; and (3) Hydraulic Analysis. He explained that EPA wanted to make sure that the work is solid and they are not being “bamboozled”. He mentioned a lot of information about infrastructure and process, which they had to navigate, stating that it takes time and effort.

(Councilman Gilbert left the meeting for National Night Out activities.)

CONTRACT C.O. (CONT'D)

Councilwoman Scott stated that she heard Mr. Merino say Water Quality and also Sewers. She asked if the \$470,000 total contract amount was from two funding sources and was told "yes". Mr. Merino again noted that \$100,000 was for the Water Quality section, where we got a pretty good deal; that they were now working on the wastewater side.

Councilwoman Scott stated that she thought there was lack of understanding on the Council's part; that she thought this judgement and the impression was that this was taken care of; now she understood they were working on a separate issue.

Mr. Merino responded that Water Quality is one issue and Wastewater another; that \$100,000 was on the Water Quality side. He added that EPA might move faster, but we have to go forward with this.

Councilwoman Berz stated that she thought the City contracted with them because they were good at what they did, but they were now writing down additional issues; that with a Strategic Plan they would have known there would have been additional issues and questioned "why the surprise?" She stated that \$90,000 was steep for three additional meetings; that this should have been in the Plan, and this was why she was hesitant about voting for this; that when one does a Strategic Plan, they understand that there will be unknown variables; that the variables are pretty well known and the three type meetings and computers should have been known from the beginning and now, at this point, to find out there is \$90,000 extra, she has a problem with this. She noted that the City is between a "rock and hard place"; that she knew we needed to do this, but she had a problem with Jacobs not planning ahead of time, and she also felt the price was too high.

Mr. Merino responded that they did not provide a Plan but provided support; that EPA is unpredictable, and they did not write the permits.

Councilwoman Berz responded that when we came to Jacobs Engineering for professional services that we should have been presented a Strategic Plan to meet our needs; that when this was designed, she was unclear why they did not include variables so that the City would not be hit up at the end by \$90,000. She stated that was only good business practices.

Mr. Merino noted that it was not to exceed this amount, again stating that EPA was unpredictable, and they did not know, prompting Councilwoman Berz to say, "you should have".

CONTRACT C.O. (CONT'D)

On motion of Councilwoman Robinson, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE
ORDER NO. 1 WITH JACOBS ENGINEERING GROUP, INC.,
RELATIVE TO CONTRACT NO. W-10-001-101, FOR TECHNICAL
ASSISTANCE IN SUPPORT OF REGULATORY NEGOTIATIONS, FOR
AN INCREASED AMOUNT OF NINETY THOUSAND DOLLARS
(\$90,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO
EXCEED FOUR HUNDRED SEVENTY THOUSAND DOLLARS
(\$470,000.00)

was adopted on Roll Call as follows:

COUNCILMAN MCGARY	YES
COUNCILWOMAN SCOTT	YES
COUNCILWOMAN ROBINSON	YES
COUNCILMAN BENSON	YES
COUNCILWOMAN BERZ	YES
CHAIRMAN LADD	YES

Adm. Leach thanked the Council for this action, again stating that they depended on the expertise of Jacobs.

EMERGENCY PURCHASE

Adm. Leach presented an emergency purchase for the design of structural repairs for 5200 Wilson Road Bridge Traffic Rail Repair to American Consulting Professionals, LLC, in the amount of \$22,094.00. This was duly signed in public meeting.

REFUND

On motion of Councilman McGary, seconded by Councilwoman Berz, the following refund for 2010 property taxes was approved:

CRUNK COPY PRODUCTS, LLS--\$1,046.00.

PURCHASES

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following purchases were approved for use by the various departments:

CHATTANOOGA FIRE DEPT.:

MOTOROLA SOLUTIONS, INC. (Single Source Purchase)
Requisition R46342

Motorola Radios and Accessories

\$56,625.76

GENERAL SERVICES:

LEE-SMITH, INC. (Lowest and Best Bid)
Requisition R43492

One Vacuum/Jetter Truck

\$317,000.00

PUBLIC WORKS DEPARTMENT:

TENNESSEE ARMATURE & ELECTRIC (Lowest and Best Bid)
Requisition R45241

Blanket Contract for Variable Frequency Drive, Direct Current Drive, and Electronic Board Repair Services

\$200,000 approximately annually

CLARKE POWER GENERATION, INC. (Lowest and Best Bid)
Requisition R42735

Emergency Generator & Automatic Transfer Switch

\$55,840.00

PURCHASES (CONT'D)

CHATTANOOGA POLICE DEPT.:

LEADSONLINE (Single Source Purchase)
Requisition R45282

Software Subscription & Support

\$13,788

COMMITTEES

In the absence of Councilman Murphy, Councilwoman Robinson stated that the **Legal and Legislative/Safety Committee would meet Tuesday, August 9th immediately following the Public Works Committee.** There will not be a meeting on August 16th.

At this point, Chairman Ladd noted that we had three Councilmembers who had to leave to attend National Night Out.

RULES OF PROCEDURE FOR
ADDRESSING THE COUNCIL

At this time, City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

MATT CHURCH

Matt Church addressed the Council, stating that he was with a company called HAZMO out of Nashville; that they were bringing jobs to Chattanooga and were teaming up with Mostellers Wrecking Co. He stated that they were a full service

MATT CHURCH (CONT'D)

Environmental Firm and that he had an Environmental Degree; that they would be working with methamphetamines jointly with Mostellers and doing cross-training and would like to invite the Fire and Police Department to see what they were doing. He stated that it was pretty exciting; that they had an office in Monteagle, Tennessee and Millersville, Tennessee and would soon be opening an office in Knoxville; that it was exciting, and they were blessed to have the opportunity to work with the staff at Mostellers. He stated that they should be up and moving in about 25 days and that they were State certified.

Chairman Ladd wished them much success, stating that they had teamed with a good company, and she wished them both a great deal of success with this endeavor.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, August 9, 2011, 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)**