

City Council Building  
Chattanooga, Tennessee  
April 2, 2013  
6:00 p.m.

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

### PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Murphy gave the invocation for the evening.

### MINUTE APPROVAL

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

### SPECIAL PRESENTATION: "FAIR HOUSING MONTH" PROCLAMATION

Mayor Littlefield stated one of the more enjoyable things he has done from time-to-time is to proclaim things, noting this will be his last time to do so as Mayor. At this point he read the proclamation which has been spread upon the minutes:

## **PROCLAMATION**

**W**hereas: The City of Chattanooga and its Office of Multicultural Affairs, working with other local housing organizations, associations, businesses and concerned individuals, is committed to promoting the U.S. Fair Housing Law throughout our communities, as we strive to educate the public about the right to equal housing opportunities, and collaborate efforts to ensure citizens of their right to fair housing; and

SPECIAL PRESENTATION: "FAIR HOUSING MONTH"  
PROCLAMATION (Continued)

**W**hereas: Equal housing opportunity is a condition of life in our City of Chattanooga, Hamilton County that can and should be achieved

**Now Therefore,**

I, Ron Littlefield, Mayor of the City of Chattanooga,  
do hereby proclaim the month of April, 2013 as

**Fair Housing Month**

**And Furthermore,** be it resolved the City of Chattanooga commence a month-long commemoration of the U.S. Fair Housing Law in Chattanooga, Tennessee and urge all Citizens to wholeheartedly recognize this celebration throughout the year.

*In Witness Whereof,* I have hereunto set my hand and caused the  
Seal of the City of Chattanooga to be affixed this the  
1st day of April, 2013

***Ron Littlefield, Mayor***

**Beverly Cosley**, Director of the Office of Multicultural Affairs, expressed appreciation to the Mayor and the ability to do this in recognition of the value of fair housing and its opportunities for everyone; that the city is a leading agent in this forum and expressed hope it will continue. She asked persons present who are advocates for fair housing to stand: Nick Wilkerson of CNE, Betsy McCright of CHA, Robert Nodes and Mark Blazek; she also acknowledged OMA staff members Antonia Morgan and Nicole Gwyn. She expressed thanks to all who would be attending the Fair Housing Workshop and Luncheon, as well as the Council's cooperation.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 14, SECTION 14-84, RELATIVE TO THE BOARD OF ELECTRICAL  
EXAMINERS**

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

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, SECTIONS 26-22, 26-23, 26-24, 26-25, 26-26, 26-27, 26-28, 26-29, 26-30, 26-31, 26-32, 26-33 AND 26-34, ESTABLISHING THE EVENT FEES FOR USAGE OF VARIOUS CHATTANOOGA PARKS AND RECREATION FACILITIES**  
passed second and find reading and was signed in open meeting.

**AMEND BUDGET ORDINANCE NO. 12622**

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12622, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013; APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43," TO AMEND SECTION 23 PERTAINING TO SEWER SERVICE CHARGES**  
passed second and find reading and was signed in open meeting.

**RELEASE OF REVERSIONARY CONDITION**

**Councilmen McGary and Rico made the motion to approve; however, Councilmen Rico and Scott made the motion to defer the matter.**

Councilman McGary inquired as to the purpose for deferral and for how long. City Attorney McMahan stated a representative of the company asked for deferral one week to resolve some problems.

**RELEASE OF REVERSIONARY CONDITION**  
**(Continued)**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE RELEASE OF THE REVERSIONARY  
CONDITION FOR THE "SCULPTURE GARDEN" TO ALLOW THE PORTERA  
FAMILY LIMITED PARTNERSHIP THE RIGHT TO CONVEY PROPERTY  
LOCATED AT TAX MAP NO. 135M-L-001**  
was deferred one week.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN  
AGREEMENT FOR PHASE II DETAILED DESIGN AND ENGINEERING TO  
INCLUDE BID SPECIFICATIONS WITH HDR ENGINEERING, INC. BY  
AMENDING THE PRESENT CONTRACT NO. E-10-012-101, FOR ROSS'  
LANDING PARK IMPROVEMENTS AND REPAIRS IMPLEMENTATION, FOR  
AN ADDITIONAL AMOUNT OF EIGHT HUNDRED TWENTY-EIGHT  
THOUSAND EIGHT HUNDRED FIFTY-FOUR DOLLARS (\$828,854.00)**  
was adopted; Councilwoman Scott voted "no".

**CONTRACT ADDENDUM**

On motion of Councilman Benson, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PARKS AND RECREATION TO EXECUTE ADDENDUM  
NO. 1 WITH BARGE, WAGGONER, SUMNER AND CANNON RELATIVE  
TO THE SUMMIT OF SOFTBALL COMPLEX PROJECT TO COVER  
ADDITIONAL DESIGN SERVICES FOR A NEW OVERFLOW LOT WHICH  
AMENDMENT INCREASES THE AMOUNT OF THE CONTRACT BY  
NINETEEN THOUSAND THREE HUNDRED DOLLARS (\$19,300.00), FOR A  
REVISED TOTAL AMOUNT OF FIFTY-THREE THOUSAND NINE HUNDRED  
DOLLARS (\$53,900.00)**  
was adopted; Councilwoman Scott voted "no".

**EXTEND AGREEMENT**

On motion of Councilman Benson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXTEND THE CURRENT PROFESSIONAL SERVICES AGREEMENT WITH NEUHOFF TAYLOR ARCHITECTS PC TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR NEW IMPROVEMENTS IN THE UMPIRE ROOM AT THE SUMMIT OF SOFTBALL COMPLEX, WHICH EXTENSION INCREASES THE AMOUNT OF THE CONTRACT BY THREE THOUSAND DOLLARS (\$3,000.00), FOR A TOTAL CONTRACT AMOUNT OF EIGHTEEN THOUSAND DOLLARS (\$18,000.00)**  
was adopted; Councilwoman Scott voted "no".

**MAKE APPLICATION**

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS AND RECREATION TO MAKE APPLICATION FOR THE INCLUSION OF SELECTED TRAILS WITHIN THE CITY OF CHATTANOOGA GREENWAY SYSTEM TO BE A PART OF THE GREAT EASTERN TRAIL AND THAT BY DOING SO, THE CITY OF CHATTANOOGA IS TO BE DESIGNATED AS THE FIRST "TRAIL TOWN" WITHIN THE GREAT EASTERN TRAIL NATIONAL SYSTEM**  
was adopted.

**AGREEMENT**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE FIRE DEPARTMENT TO PURCHASE AN ANNUAL SUPPORT AND MAINTENANCE AGREEMENT FOR THE FIRE DEPARTMENT'S RECORD MANAGEMENT SYSTEM FROM FDM SOFTWARE, IN THE AMOUNT OF FIFTY-ONE THOUSAND EIGHT HUNDRED TWENTY-FIVE AND 60/100 DOLLARS (\$51,825.60)**  
was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. 2-13-001-201, MISCELLANEOUS SANITARY SEWER MANHOLE ADJUSTMENT CONTRACT, TO TALLEY CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF NINETY-FIVE THOUSAND FOUR HUNDRED DOLLARS (\$95,400.00), WITH A CONTINGENCY AMOUNT OF FOUR THOUSAND SIX HUNDRED DOLLARS (\$4,600.00), FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**  
was adopted.

**CONTRACT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-09-023-201, HAMILL ROAD REHABILITATION (ADAMS ROAD TO GREENWAY FARMS) TO HIGHWAYS, INC., IN THE AMOUNT OF FIVE HUNDRED NINETY-EIGHT THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$598,790.00), WITH A CONTINGENCY AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00), FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY-EIGHT THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$658,790.00)**  
was adopted.

**AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ARCADIS, U.S., INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. E-06-023-101, ROUNDABOUT DESIGN AT THE INTERSECTION OF NORCROSS ROAD AT GADD ROAD, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-FOUR THOUSAND DOLLARS (\$134,000.00)**  
was adopted.

**AGREEMENT**

On motion of Councilman Benson, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. E-12-008-101, DESIGN OF GUNBARREL ROAD WIDENING FROM SHALLOWFORD ROAD TO HAMILTON RUN DRIVE, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$144,600.00)**

was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR YERBEY CONCRETE CONSTRUCTION RELATIVE TO CONTRACT NO. E-11-005-201, CITY SIDEWALK REQUIREMENTS CONTRACT – CDBG, FOR AN INCREASED AMOUNT OF ONE HUNDRED THOUSAND TWENTY-NINE AND 99/100 DOLLARS (\$100,029.99), FOR REVISED CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY-FIVE THOUSAND ONE HUNDRED FOUR AND 99/100 DOLLARS (\$575,104.99)**

was adopted.

**AGREEMENT**

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-027-101, FRIARS BRANCH PUMP STATION IMPROVEMENTS, FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED NINETY-TWO THOUSAND NINE HUNDRED SEVENTY-EIGHT DOLLARS (\$1,292,978.00)**

was adopted.

**AGREEMENT**

**Councilman McGary asked that Resolutions (l) – (u) be taken as one unit since they involve the Consent Decree which has been discussed publicly during agenda and committee meetings and have been advertised; Councilman Rico seconded the motion.**

## AGREEMENT (Continued)

Councilwoman Scott expressed objection as there is one Resolution within the (l) – (u) listing that she would be voting against; that that this would disenfranchise her vote.

Councilman McGary inquired as to the Resolution Councilwoman Scott is referring. Councilwoman Scott responded “Resolution (p)”.

**Councilman McGary amended his motion to not include (p) from the unit voting and taken as one vote; Councilwoman Robinson seconded the motion; the motion carried.**

Mayor Littlefield stated we have talked about these cases twice today which are tied directly to a long, painful process that we have been involved with for the past several years, first with the state and then with the federal government. He stated this concludes that process and puts the whole process in the position where the next administration and Council can start with a clean desk; that all know we have been out there in the districts where there have been problems over the years; things that have been a source of criticism. He stated Chattanooga is not unique as we are like many other cities, but we have gotten ahead of the process and this is a way to get ahead of what we are required to do already in the federal Consent Decree. He stated he had a long conversation with Councilman Benson over the last several days and both know they have been in his district standing in mud reviewing situations that these kinds of projects will help to resolve. He expressed thanks to the Council for their support.

On motion of Councilman McGary, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BROWN AND CALDWELL, FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-021-101, FOCUSED SANITARY SEWER EVALUATION STUDY (SSES) AND REHABILITATION OF SOUTH CHICKAMAUGA CREEK 5 SUB-BASIN, FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWENTY THOUSAND DOLLARS (\$1,020,000.00)**

was adopted.

## AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH**



AGREEMENT (Continued)

**BURNS AND MCDONNELL ENGINEERING COMPANY FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-023-101, CHATTANOOGA CREEK INTERCEPTOR REHABILITATION, FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED THIRTY-NINE THOUSAND SIX HUNDRED FORTY DOLLARS (\$539,640.00)**

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CDM SMITH, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-024-101, FOCUSED SANITARY SEWER EVALUATION STUDY (SSES) AND REHABILITATION – CHATTANOOGA CREEK 4, SUB-BASIN, FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED FORTY-EIGHT THOUSAND DOLLARS (\$648,000.00)**

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-025-101, TANNERY FLATS INTERCEPTOR REHABILITATION, FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$204,750.00)**

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINSTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-028-101, FOCUSED SANITARY SEWER EVALUATION STUDY (SSES) AND REHABILITATION OF DOBBS BRANCH 3 SUB-BASIN, FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED ONE THOUSAND FIVE HUNDRED FORTY DOLLARS (\$501,540.00)**

was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LITTLEJOHN ENGINEERING ASSOCIATES, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-022-101, FOCUSED SANITARY SEWER EVALUATION STUDY (SSES) AND REHABILITATION OF SOUTH CHICKAMAUGA CREEK SUB-BASIN 1, FOR AN AMOUNT NOT TO EXCEED EIGHT HUNDRED SIXTY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$863,750.00)**

was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH PARSONS BRINCKERHOFF, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-029-101, FRIARS BRANCH BASIN IMPROVEMENTS, FOR AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED TWENTY-SIX THOUSAND EIGHT HUNDRED TWENTY-SIX DOLLARS (\$1,826,826.00)**

was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-030-101, HIGHLAND PARK SEWER REHABILITATION, FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED THIRTY-SEVEN THOUSAND SEVEN HUNDRED FORTY-FOUR DOLLARS (\$537,744.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-026-101, DUPONT PARKWAY PUMP**

## AGREEMENT (Continued)

### **STATION AND COLLECTION SYSTEM IMPROVEMENTS PHASE 1, FOR AN AMOUNT NOT TO EXCEED ONE MILLION NINE HUNDRED NINETEEN THOUSAND DOLLARS (\$1,919,000.00)**

was adopted; Councilwoman Scott voted "no".

## FUNDS TRANSFER

**Councilman McGary and Gilbert made the motion and second to defer the matter two weeks.**

Councilwoman Berz stated as discussed earlier she would move to amend whether deferred or not to place in the caption "*not to exceed \$250,000.00*".

Councilwoman Robinson noted that it is in the body of the backup material. Councilwoman Berz stated she wants it in the caption.

Councilman Gilbert expressed agreement with the Water Authority but expressed a concern he had mentioned in the past in reference to employees as there is nothing concrete, nothing has been discussed; that he knows a lot of corporations come in and negotiate in reference to employee insurance, pension and a lot of things. He stated he wants to make sure they are heard and understand where they stand; that it is his thought it can be deferred for a clearer understanding with them about their positions/jobs and benefits.

Mayor Littlefield stated the state law under which this Authority is set up provides for a transition of employees; that they are not to that point, yet. He stated they already have the Authority; that this allows the Authority to hire legal talent, accounting and so forth and begin the process of setting up the Authority. He stated when we get to transferring the responsibility for employees he is certain there will be a lengthy negotiation involved which involves the next administration; that it was set up so that the next administration has the ability on the thirtieth of June to replace the entire Board or prior to that go in an entirely different direction if they wish. He stated this is something that has been worked on for several years and referenced a memo to Bill McDonald during the Corker administration about the need to deal with the whole watershed issue.

Mayor Littlefield stated he has seen the document that has been circulating today among mostly public works/SEIU members which asks a lot of questions about pay and benefit; that all those questions deserve answers and we will get them but we are not at that point, yet; that we are at the point of setting up the

## FUNDS TRANSFER (Continued)

Authority legally as it is established and needs its own attorney and accounting system. He stated wherever we have done this it has worked out well. He stated it is not his thought the employees present tonight or those that are concerned and could not come tonight will say we have done well as far as our health plan; that if at all possible it is his hope under the Authority they will be able to keep the health plan we have now as he does not know of any other community that has the benefits we have. He stated we have had other authorities, such as CARTA, who have inquired as it is a complicated thing; that if we can keep the employees on our plan that would be his preference but will not be in a position to make that decision as it will be the next administration and Council that will make that decision. He stated we are not there yet but we need to enable this Authority to move forward; that other questions inquired about pay, benefits and pensions noting he cannot predict the future, yet knows it will be different from what it is today. He stated he does know moving in this direction is the way the federal government, EPA and others feel is the appropriate direction to get stormwater, water quality, sewer all under the same corporate umbrella; that it is the way this community needs to move.

Mayor Littlefield stated we have some significant utilities in this community that have enabled us to get on the leading edge of growth and development and process; that the Power Board is one as it is a similar type organization we are moving toward with a private sector board; that the Airport Authority used to be subsidized by the city and operated under a city department and an announcement was made this week they are going into significant improvement and has proved to be one of our great assets. He stated nothing is more important to the future of this community than water and sewer utilities and this is a move toward giving us the same quality, the same type of forward looking organizational structure in our water and sewer utilities that we have in those other utilities. He recommended that the Council take action on this tonight as the \$250,000 is simply a fund set up to enable them to get this process underway and does not expect them to write a check for \$250,000 and deposit it somewhere as they will draw on it as needed. He stated their Board is charged with the same type of limitations and responsibilities as the Council; that this is a legal way to enable them to begin to take responsibility for this much needed utility that this community is hoping to achieve.

Councilwoman Scott stated a two week delay so that city employees can be better informed about an issue seems like a mighty small thing to ask noting she will support that delay, as well.

**FUNDS TRANSFER (Continued)**

Councilman McGary asked for clarification in reference to the document if the questions on the document and the items proposed and the agenda item we are voting on, what if any of the items on the document is being addressed by the motion being made tonight.

Mayor Littlefield stated the motion tonight has no effect on this document whatsoever because there is a transition discussion coming; that there are several things that have to do with how this Authority gets underway as property has to be transferred, real estate, pumps, things of that nature. He stated in transferring the employees it is not just the blue collar workers it is engineers, and technicians – a pretty complex process which is the reason for setting money aside so they can get their own advisors to get this done right. He stated the question was asked about pension and the next administration and Council has to deal with pensions no matter what; that this action tonight has no impact on this. He noted seeing some of his friends in the audience and expressed hope they know this administration has done everything to give the employees the best possible benefit program we could make available and in his opinion this is a move in their direction for better life for them.

Councilwoman Berz stated there is not a doubt in her mind that we should have full discussion or the new administration should have full discussion with the employees because they are our greatest asset; however, as she understands this particular motion it has nothing to do with those concerns as she just saw the list. She stated she is sure the new administration who has always been represented at our meetings and hears our concern about attending to the needs of the employees. She stated a deferral will help that situation; that rather, if we go ahead and fund the transition they can come up with their plans more quickly so they can inform and meet with and talk with the employees more quickly; that deferral will have the opposite effect of what we are talking about for just this money for this issue.

Mayor Littlefield quickly responded “exactly that”!

**On roll call vote on the motion and second by Councilmen McGary and Gilbert to defer two weeks:**

<b>MCGARY</b>	<b>YES</b>
<b>MURPHY</b>	<b>NO</b>
<b>SCOTT</b>	<b>YES</b>

FUNDS TRANSFER (Continued)

ROBINSON	NO
BENSON	NO
GILBERT	YES
BERZ	NO
RICO	NO
LADD	YES

The motion failed: four (4) Yes; five (5) No.

Councilwoman Robinson made the motion to approve with Councilman Rico seconding the motion.

Prior to casting her vote, Councilwoman Berz asked for clarification that the \$250,000.00 is included. Mayor Littlefield responded it is in the document.

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE INTERCEPTOR SEWER FUND TO THE CLEAN WATER AUTHORITY AS NEEDED TO PAY LEGAL, ACCOUNTING AND OTHER ORGANIZATIONAL EXPENSES AND FURTHER AUTHORIZING THE CITY ENGINEER AND INTERIM DIRECTOR OF THE MOCCASIN BEND CLEAN WATER AUTHORITY TO PAY APPLICABLE EXPENSES ON BEHALF OF THE AUTHORITY SUBJECT TO CERTAIN CONDITIONS**

was adopted; on roll call vote:

MURPHY	YES
SCOTT	NO
ROBINSON	YES
BENSON	YES
GILBERT	NO
BERZ	YES

FUNDS TRANSFER (Continued)

RICO	YES
MCGARY	NO
LADD	NO

**(Councilman Murphy excused himself from the dais at this point.)**

RENEW LEASE

On motion of Councilman McGary, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO RENEW THE LEASE FOR TEN (10) YEARS WITH Y-CAP FOR OCCUPANCY OF 1600 CENTRAL AVENUE FOR CONTINUATION OF THE AFTER SCHOOL MENTORING PROGRAM**  
was adopted; Councilwoman Scott voted "no".

**(Councilman Murphy returned to the dais.)**

CHANGE ORDER

On motion of Councilwoman Berz, seconded b Councilman Rico,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR ARCADIS US, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. S-11-005-102, FOR SITE AND LANDSCAPE DESIGN FOR THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY SOUTHWEST GREENWAY, RELATIVE TO TASKS 2 AND 3 OF THE SUPPLEMENTAL ENVIRONMENTAL PROJECT, FOR AN INCREASED AMOUNT OF TWENTY-ONE THOUSAND FIVE HUNDRED EIGHTY DOLLARS (\$21,580.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY-FIVE THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$355,860.00)**  
was adopted.

DOCUMENTS FOR INSURANCE

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN FROM ING GROUP LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE AT**

DOCUMENTS FOR INSURANCE  
(Continued)

THE RATE OF \$0.178 PER ONE THOUSAND DOLLARS (\$1,000.00) OF COVERED SALARY AND LONG TERM DISABILITY (LTD) INSURANCE AT THE RATE OF \$0.53 PER ONE HUNDRED DOLLARS (\$100.00) OF COVERED SALARY AND AN FMLA LEAVE MANAGEMENT SERVICE AT THE RATE OF \$1.32 PER MEMBER PER MONTH AND WILL OFFER CITY EMPLOYEES VOLUNTARY BENEFITS TO INCLUDE SHORT TERM DISABILITY AND SUPPLEMENTAL LIFE AND AD&D INSURANCE, FOR THE CITY'S PORTION IN THE AMOUNT OF THREE HUNDRED SIXTY-EIGHT THOUSAND EIGHT HUNDRED FORTY-THREE DOLLARS (\$368,843.00), FOR A TOTAL COST IN THE AMOUNT OF FIVE HUNDRED TWELVE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS (\$512,175.00)

was adopted.

OVERTIME

Overtime for the week ending March 28, 2013 totaled \$6,033.67.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES:

- **TESHA WARD** – Resignation, Family Services Supervisor, Head Start, effective March 8, 2013.

PUBLIC WORKS DEPARTMENT:

- **RODERICK HEATHINGTON** – Suspension (3 days without pay), Crew Supervisor 2, City Wide Services, effective March 22, 25-26, 2013.

CHATTANOOGA POLICE DEPARTMENT:

- **JAMES HOGWOOD** – Retirement, Police Sergeant, effective April 1, 2013.



### EMERGENCY PURCHASE

The emergency purchase for Column Repairs at Heritage House for the Parks and Recreation Department by Don Kuebler on R74761 in the amount of \$23,000.000 was duly reported and signed in open meeting.

### DONATION

Admin. Zehnder duly reported the donation by Dave Robey of Team River Runner five (5) Kayaks, six (6) paddles, three (3) Snapdragon spray skirts and three (3) Shred Ready Helmets at a cost of \$5,250.00.

### FIRE DEPARTMENT UPDATE

Chief Parker reported that the child transported to the Augusta Burn Center from Monday's fire was still in critical condition and still alive as of earlier this afternoon. He also expressed thanks to the Police officers involved noting four officers -- **Tyrone Williams, Joe Fletcher, Scott Taylor and Christian Lorenzen** -- tried to enter the home but could not get through the burglar bars. He stated when the Fire Department arrived with forcible entry tools they were able to get in and remove the children, noting situations such as this affects everyone in an emotional way. He reminded everyone that burglar bars are not a favorite for Fire Department personnel; that they will deliver fire detectors to the neighborhood on tomorrow. He stated the police officers went "above and beyond" and has had the same situation with public works employees going "above and beyond", as well. He noted that he had just received a text from Bruce Garner that a person was burned in the East Brainerd area carrying grease out of their home and is being transported to the hospital.

Chief Parker stated the Department will be doing their "live burn" this week beginning tomorrow through Friday and will send an e-mail detailing the activities. He reported there will be twelve (12) additional fire fighters coming out of the Academy; that they have been hired as EMTs and will be coming out a little ahead of the others. He noted as a final sad note that today is the second anniversary of his neighbor and friend Officer Tim Chapin's death, who gave up his life for the citizens of Chattanooga; that he still misses him and thinks about him.

Chairman Ladd thanked Chief Parker for reminding everyone of all the emergency responders and public works; that his stories are indicative of everything she has noticed about employees of the city for the past four years -- that they all pitch in regardless of job description and do what has to be done

**FIRE DEPARTMENT UPDATE (Continued)**

to deliver safety and services to the public. She stated we do not always stop and say "thank you"; that it takes events, unfortunately, like this, even the death of an officer, to remind us.

**DONATION**

Captain David Woosley presented Robin Scott, founder of a non-profit organization, Invest in K-9, who has donated to the Department Second Generational light weight bullet proof vests for the K-9 Unit to protect them, as well.

**Robin Scott** stated their goal is to provide for Chattanooga and Hamilton County; that they are doing fundraisers and are trying to provide for the Police Department because it is very important to them to provide for our dogs.

Captain Woosley stated they are not just vests for the K-9 Unit, they are the Next Generation Vests which are much lighter so the dogs are able to function and not get overheated.

**REFUND**

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refund of overpayment of 2012 property taxes:

<b>ALPINE DEVELOPMENT LLC</b>	<b>\$7,867.25</b>
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**PURCHASES**

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

**MANAGEMENT INFORMATION TECHNOLOGY USA, INC. (Single source)**  
**R74182**

ChildPlus Annual Software Subscription per TCA 6-56-304.2

\$11,554.59

## **BOARD REAPPOINTMENT**

On motion of Councilman Murphy, seconded by Councilwoman Robinson, the following Board reappointment was approved:

### **ELECTRIC POWER BOARD:**

- Reappointment of *L. JOE FERGUSON* to continue to serve for a five year term expiring April 15, 2018.

## **CLARIFICATION FOR OFFICIAL RECORD**

Councilman Murphy wanted to assure the record reflected that he deliberately got up to get water during the reading, voting and debate on Resolution (w) as he would have abstained from voting anyway; that he did not vote and was not present for that item.

## **5K RACE**

Councilman Murphy announced on Saturday at 7:30 a.m. at Coolidge Park the International Brotherhood of Police Officers will have a series of races that have been termed "Outrun the Police". He invited everyone to come out noting he would double his entry fee if any current or elected-to-be Council person beats him in the 5K!

## **NEXT WEEK'S AGENDA: APRIL 9, 2013**

Chairman Ladd inquired as to whether there were questions regarding next week's agenda; being none the meeting continued.

## **"SHADOWBOX"**

A gentleman who addressed himself as "Shadowbox" expressed respect for everyone on the Council and noted he is a widow's son. He stated he is Moorish and Moroccan and referenced the shootings that have been happening in the schools. He referenced international, federal, state and common laws, as well as policy codes and ordinances and indicated he had had a meeting with Deputy Attorney Noblett along with others. He stated he was shot in 2000 and had to have reconstructive plastic surgery and had to

**"SHADOWBOX" (Continued)**

learn to walk and talk again; that he is a member of the Black Panther Party and he is getting ready to start boxing again as Chattanooga is a very marketable city. He stated he is not in a gang and will move forward, indicating that his name is "Shadowbox".

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, April 9, 2013 at 6:00 p.m.

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CHAIRMAN

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CLERK OF COUNCIL

**(A full digital audio of the Council meeting of  
this date is filed in the Clerk of Council's Office)**

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED  
WITH MINUTE MATERIAL OF THIS DATE)**