

## SECOND AMENDED AGENDA FOR TUESDAY, FEBRUARY 9, 2010

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Council Chair Benson).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Final Reading:
  - a) An ordinance to amend Chattanooga City Code, Part II, Chapter 31, Section 31-355(a), to extend the time in which to file a notice of protest concerning the accuracy of water quality fees imposed in 2009 only from March 1, 2010 to June 1, 2010.
- VI. Ordinances – First Reading:
  - a) An ordinance to amend the Chattanooga City Code, Part II, Chapter 2, Section 2-553, in order to require mandatory considerations and an additional consideration when evaluating the “lowest responsible bidder submitting the best bid,” and to provide for greater transparency in the decision process. **(Deferred from 2/2/2010. See alternate version.)**
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by removing in their entirety Sections 38-43(4) and 38-524, relative to two-family dwellings in a R-1 Residential Zone.
  - c) 2009-157 City of Chattanooga. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located within the boundaries of Area 1B as listed by Ordinance No. 12291 as adopted by City Council on October 6, 2009, more particularly described herein, from temporary R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-2 Residential Zone, R-3 Residential Zone, and C-2 Convenience Commercial Zone to permanent zones R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-3 Residential Zone, and C-2 Convenience Commercial Zone. **(District No. 1.) (Recommended for approval by Planning and Public Works.)**
  - d) 2010-006 Fraternal Order of Firefighters c/o Kevin M. Carpenter. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 4393, 4397, and 4401 Bonny Oaks Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(District No. 5.) (Recommended for denial by Planning, approval by Staff.)**

2010-006 Fraternal Order of Firefighters c/o Kevin M. Carpenter. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 4393, 4397, and 4401 Bonny Oaks Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Applicant Version.)**

e) 2010-011 D & M Properties, LLP. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1091 Mackey Avenue, more particularly described herein, from R-3 Residential Zone to R-1 Residential Zone. **(District No. 4.) (Recommended for approval by Planning.)**

f) 2010-013 Don Walker. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift a **particular condition** imposed in Ordinance No. 11926 (Case No. 2006-235) on tracts of land located in the 6900 block of Park Drive, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 6.) (Recommended for approval by Planning.) (Revised.)**

2010-013 Don Walker. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 11926 (Case No. 2006-235) on tracts of land located in the 6900 block of Park Drive, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference. **(Applicant Version.)**

g) MR-2010-007 City of Chattanooga (Abandonment). An ordinance closing and abandoning a portion of the unopened 600 block of Druid Lane, more particularly described herein, subject to certain conditions. **(District No. 2.) (Recommended for approval by Planning and Public Works.)**

MR-2010-007 City of Chattanooga (Abandonment). An ordinance closing and abandoning a portion of the unopened 600 block of Druid Lane, more particularly described herein. **(Applicant Version.)**

VII. Resolutions:

- a) A resolution authorizing payment to Planning Associates, Inc. for architectural services to remove and replace the roof at the Fire Training Center in an amount not to exceed \$13,416.74.
- b) A resolution authorizing approval of architectural services from Franklin Architects for a maximum amount not to exceed \$23,000.00 for services rendered on the expansion of the Chattanooga Communications Building.

- c) A resolution authorizing the Director of General Services to modify a lease agreement with the Department of the Navy to extend the expiration date to September 30, 2010, and to allow a waiver of the 30 day notification requirement and acceptance of the Government's written notice to exercise the option to renew.
- d) A resolution authorizing the City Finance Officer to pay invoices from Simplex Grinnell for automatic renewal of annual maintenance service agreement for sprinkler test, fire pump system, kitchen hood, alarm and detection, and system extinguishers' inspections in an amount not to exceed \$12,932.00 **to be paid as an operational expense by Dogwood Manor, LLC. (Revised.)**
- e) A resolution authorizing the award of Contract No. R-09-001-401 to Thompson Engineering, Inc., South Chickamauga Creek Greenway Project, for Construction Engineering Inspection, in an amount not to exceed \$158,280.00.
- f) A resolution authorizing the award of Contract No. R-09-001-201 to RBA Construction, Inc., South Chickamauga Creek Greenway Project, in the amount of \$2,544,927.85, with a contingency amount of \$130,000.00, for a total amount not to exceed \$2,674,927.85.
- g) A resolution authorizing the award of Contract No. E-04-036-204 to Highways, Inc., Enterprise South Roadway Extension Phase 1C, in the amount of \$3,003,036.75, with a contingency amount of \$300,000.00, for a total amount not to exceed \$3,303,036.75.
- h) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement for professional services with Volkert and Associates relative to Contract No. E-09-020-101, Intersection Improvements at Discovery Drive at Hickory Valley Road and Discovery Drive at Enterprise South Boulevard, in an amount not to exceed \$174,400.00.
- i) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement for professional services with Lamar Dunn and Associates relative to Contract No. E-09-021-101, SR 153 Northbound Off Ramps at Jersey Pike and Bonny Oaks Drive Intersection Improvement, in an amount not to exceed \$190,040.00.
- j) A resolution authorizing the Administrator of the Department of Public Works to enter into an agreement for professional services with Arcadis U.S., Inc. relative to Contract No. E-09-022-101, SR 58 and Hickory Valley Road Intersection Improvement, in an amount not to exceed \$137,440.00.
- k) 2010-008 River City Property Management, Inc. c/o Robyn Judd (Special Exceptions Permit). A resolution approving a Special Exceptions Permit for a duplex in an R-1 Residential Zone on a tract of land located at 719 North Highland Park Avenue, more particularly described herein. **(District No. 9.) (Recommended for denial by Planning.)**

- l) 2010-012 D & M Properties, LLP (Preliminary PUD). A resolution approving a Special Exceptions Permit for a residential Planned Unit Development, known as the Mackey Glen Planned Unit Development, on a tract of land located at 1091 Mackey Avenue, more particularly described herein, subject to certain conditions. **(District No. 4.) (Recommended for approval by Planning.)**

2010-012 D & M Properties, LLP (Preliminary PUD). A resolution approving a Special Exceptions Permit for a residential Planned Unit Development, known as the Mackey Glen Planned Unit Development, on a tract of land located at 1091 Mackey Avenue, more particularly described herein. **(Applicant Version.)**

- m) MR-2010-014 City of Chattanooga c/o Dan Thornton (Mandatory Referral). A resolution authorizing the Director of General Services to enter into a lease agreement with Dale Lovelady for a tract of land located at 2300 Mark Lane, Tax Map Nos. 138N-C-020 and 021, for a term of ten (10) years for an annual rental rate of \$1.00. **(District No. 4.) (Recommended for approval by Planning.)**

VIII. Overtime Report.

IX. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks and Recreation.
- c) Department of Public Works.
- d) Department of Neighborhood Services.
- e) Department of Education, Arts & Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

X. Other Business.

XI. Committee Reports.

XII. Agenda Session for Tuesday, February 16, 2010.

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

XIV. Adjournment.

XII. Agenda Session for Tuesday, February 16, 2010:

**AGENDA FOR TUESDAY, FEBRUARY 16, 2010**

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Gilbert)
3. Minute Approval.
4. Special Presentations.
5. Ordinances - Final Reading:
  - a) An ordinance to amend the Chattanooga City Code, Part II, Chapter 2, Section 2-553, relative to local preference. **(Deferred from 2/2/2010. See alternate version.)**
  - b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, by removing in their entirety Sections 38-43(4) and 38-524, relative to two-family dwellings in a R-1 Residential Zone.
  - c) 2009-157 City of Chattanooga. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located within the boundaries of Area 1B as listed by Ordinance No. 12291 as adopted by City Council on October 6, 2009, more particularly described herein, from temporary R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-2 Residential Zone, R-3 Residential Zone, and C-2 Convenience Commercial Zone to permanent zones R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-3 Residential Zone, and C-2 Convenience Commercial Zone. **(District No. 1.) (Recommended for approval by Planning and Public Works.)**
  - d) 2010-006 Fraternal Order of Firefighters c/o Kevin M. Carpenter. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 4393, 4397, and 4401 Bonny Oaks Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions. **(District No. 5.) (Recommended for denial by Planning, approval by Staff.)**

2010-006 Fraternal Order of Firefighters c/o Kevin M. Carpenter. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 4393, 4397, and 4401 Bonny Oaks Drive, more particularly described herein, from R-1 Residential Zone to R-4 Special Zone. **(Applicant Version.)**
  - e) 2010-011 D & M Properties, LLP. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 1091 Mackey Avenue, more particularly described herein, from R-3

Residential Zone to R-1 Residential Zone. **(District No. 4.) (Recommended for approval by Planning.)**

- f) 2010-013 Don Walker. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 11926 (Case No. 2006-235) on tracts of land located in the 6900 block of Park Drive, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(District No. 6.) (Recommended for approval by Planning.)**

2010-013 Don Walker. An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift the conditions imposed in Ordinance No. 11926 (Case No. 2006-235) on tracts of land located in the 6900 block of Park Drive, more particularly described herein and as shown on the map and drawings attached hereto and made a part hereof by reference. **(Applicant Version.)**

- g) MR-2010-007 City of Chattanooga (Abandonment). An ordinance closing and abandoning a portion of the unopened 600 block of Druid Lane, more particularly described herein, subject to certain conditions. **(District No. 2.) (Recommended for approval by Planning and Public Works.)**

MR-2010-007 City of Chattanooga (Abandonment). An ordinance closing and abandoning a portion of the unopened 600 block of Druid Lane, more particularly described herein. **(Applicant Version.)**

6. Ordinances – First Reading:

- a) An ordinance to amend Ordinance No. 12329, entitled “An Ordinance Appropriating, Authorizing or Allocating Funds to the Capital Improvements Budget for the Fiscal Year 2009/2010 and to Amend the Fiscal Year 2009/2010 Budget Ordinance No. 12288 and to Amend the 2008/2009 Capital Budget No. 12161,” so as to provide for certain changes in revenues in Sections 1 and 3, and provide for certain changes in appropriations in Section 4.
- b) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Section 24-304, relative to parking fines.
- c) MR-2009-172 Buddy B. Presley, Jr. (Close & Abandon). An ordinance closing and abandoning a portion of an alley located off of the 2500 block of East 12<sup>th</sup> Street, more particularly described herein, subject to certain conditions. **(Recommended for approval by Staff and Public Works.)**

MR-2009-172 Buddy B. Presley, Jr. (Close & Abandon). An ordinance closing and abandoning a portion of an alley located off of the 2500 block of East 12<sup>th</sup> Street, more particularly described herein. **(District 7.) (Recommended for denial by Planning.) (Applicant Version.)**

7. Resolutions:

- a) A resolution authorizing the Administrator of the Department of Human Services to accept a grant from the Department of Health and Human Services, Administration for Children and Financial Family Assistance for the expansion of the Head Start Program at Childcare Network, Inc. sites and the Children's Academy for Education and Learning, Children's Home/Chambliss Shelter.
- b) A resolution authorizing the Department of Parks and Recreation to accept grants from the Benwood Foundation and the Lyndhurst Foundation in the amount of \$18,026.00 each, for a total amount of \$36,052.00, to support the administrative costs of the Chattanooga Public Art Program for 2010.
- c) A resolution approving the acceptance and distribution of Fiscal Year 2010-2011 Community Development Block Grant and Home Investment Partnership Act funds from the U.S. Department of Housing and Urban Development (HUD) and program income, all totaling approximately \$3,450,000.00, and further authorizing acceptance, if awarded, and the distribution of Emergency Shelter Grant funds from the Tennessee Housing Development Agency (THDA) in the approximate amount of \$84,000.00 as shown more fully hereinbelow.
- d) A resolution authorizing the award of Contract No. E-04-036-203, Enterprise South Roadway Extension Phase 2, to Highways, Inc. in the amount of \$2,399,575.00, plus a contingency amount of \$240,000.00, for an amount not to exceed \$2,639,575.00.
- e) A resolution authorizing the execution of Change Order No. 1 (Final) relative to Contract No. E-08-028-201, Old Hixson Pike Road Improvements, with Thomas Brothers Construction Company, Inc., which change order increases the contract amount by \$189,141.16, for a revised contract amount not to exceed \$833,141.16.
- f) A resolution authorizing Joann Hellman, President of the Midfield Acres Neighborhood Association, to use temporarily rights-of-way at two (2) entrances at Edgefield Drive and Midfield Drive to install plants to enhance the landscaping, as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
- g) 2010-018 James A. Craig, P.E./Wolford Development, Inc. (Special Permit for Nightclub in C-2). A resolution approving a Special Exceptions Permit for a nightclub in a C-2 Convenience Commercial Zone on a tract of land located at 5740 Highway 153, Tax Map No. 100A-C-001.03. **(District 3.) (Recommended for denial by Planning.)**

- h) **A resolution authorizing the Mayor to enter into an Interlocal Agreement with Hamilton County, Tennessee and to enter into a Mutual Contract with the Atlantic Group, LLC for digital orthophotography images at a total cost not to exceed \$147,547.00 of which portion the City shall reimburse Hamilton County for a total amount of \$42,773.50. (Added by permission of Vice-Chair Rico.)**
  
- 8. Overtime Report.
  
- 9. Departmental Reports:
  - a) Department of Human Services.
  - b) Department of Parks and Recreation.
  - c) Department of Public Works.
  - d) Department of Neighborhood Services.
  - e) Department of Education, Arts & Culture.
  - f) Fire Department.
  - g) Police Department.
  - h) Department of Personnel.
  - i) Department of Finance and Administration
  - j) City Attorney.
  
- 10. Other Business.
  
- 11. Committee Reports.
  
- 12. Agenda Session for Tuesday, February 23, 2010.
  
- 13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
  
- 14. Adjournment.