

**CITY COUNCIL BUILDING
FEBRUARY 26, 2013
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

Chairman Ladd acknowledged the presence of Troop 69, Morris Hill Baptist Church Scouts and called on one of the Scouts to lead the Pledge of Allegiance.

INVOCATION

Councilman Gilbert asked for a moment of silence in remembrance of the mother-in-laws, who had recently passed away, of Richard Beeland and Larry Zehnder.

MINUTE APPROVAL

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

**AMEND BUDGET ORDINANCE /
APPROPRIATION TO SOUTHEAST
TN. DEVELOPMENT DISTRICT**

On motion of Councilwoman Berz, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 12622 KNOWN
AS "THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE" SO AS
TO APPROPRIATE FIVE HUNDRED THOUSAND (\$500,000.00)
FROM THE GENERAL FUND CONTINGENCY TO THE SOUTHEAST
TENNESSEE DEVELOPMENT DISTRICT FOR THE DEVELOPMENT
OF A FORTY (40) YEAR COMPREHENSIVE GREATER
CHATTANOOGA REGIONAL GROWTH PLAN**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

2012-022 (City of Chattanooga)

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF
RIGHT-OF-WAY IN THE 5100 BLOCK OF OLD HIXSON PIKE
BEGINNING AT THE INTERSECTION OF NORTHPOINT
BOULEVARD AND OLD HIXSON PIKE, MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

MAYOR'S CONF. DUES

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE PAYMENT OF 2013
MEMBERSHIP DUES FOR THE U.S. CONFERENCE OF MAYORS, IN
THE AMOUNT OF TWELVE THOUSAND TWO HUNDRED FORTY-
TWO DOLLARS (\$12,242.00)**
was adopted.

LEASE RENEWAL

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE RENEWAL OF FEDERAL
AVIATION ADMINISTRATION (FAA) LEASE NO. DTFA 6-3-L-
0444, FOR LOW LEVEL WARNING SYSTEM (LLWAS) NUMBERS 5,
6, AND 9 COVERING LOVELL FIELD AIRPORT, WITH LEASE
EXPIRING ON SEPTEMBER 30, 2013 AND THE RENEWAL
EXPIRING ON SEPTEMBER 30, 2033**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL
SERVICES TO EXECUTE A CONTRACT WITH WRIGHT BROTHERS
CONSTRUCTION FOR SOIL CAP RESTORATION ON THE
BROWNFIELD SITE OF THE CLOSED 36TH STREET LANDFILL, IN
THE AMOUNT OF NINETY-SIX THOUSAND EIGHT HUNDRED
SIXTY-SIX AND 96/100 DOLLARS (\$96,866.96)**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A CONTRACT WITH THOMAS BROTHERS CONSTRUCTION FOR SOIL CAP RESTORATION ON THE BROWNFIELD SITE AT TENNESSEE AVENUE, IN THE AMOUNT OF TWO HUNDRED ONE THOUSAND DOLLARS (\$201,000.00)
was adopted.

CLEAN TN ENERGY GRANT

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT THE 2012-2013 CLEAN TENNESSEE ENERGY GRANT UNDER THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) FOR USE TO INSTALL GEOTHERMAL HEATING AND COOLING SYSTEMS IN TWO NEW STATIONS, STATION 9 (EAST LAKE) AND STATION 11 (HIXSON) TO BEGIN CONSTRUCTION THIS YEAR, CITY FUNDS WILL HAVE A FIFTY (50%) PERCENT MATCH OF THIRTY-TWO THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$32,760.00), FOR A TOTAL PROJECT COST IN THE AMOUNT OF SIXTY-FIVE THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$65,520.00)
was adopted.

SPECIAL POLICE OFFICER APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF OLIVIA SWAFFORD AS SPECIAL POLICE OFFICER (UNARMED) FOR ANIMAL CARE TURST D/B/A/ MCKAMEY ANIMAL CARE AND ADOPTION CENTER, INC., TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT CHANGE ORDER

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL)
FOR YERBEY CONCRETE CONSTRUCTION RELATIVE TO
CONTRACT NO. R-12-001-201, MAIN TERRAIN ART PARK BIKE
SHELTER, FOR A DECREASED AMOUNT OF THREE THOUSAND
SIX HUNDRED TWENTY DOLLARS (\$3,620.00), FOR A REVISED
CONTRACT AMOUNT NOT TO EXCEED TWENTY-FOUR
THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$24,280.00),
AND TO RELEASE THE CONTINGENCY AMOUNT OF THREE
THOUSAND DOLLARS (\$3,000.00)**

was adopted.

USED EQUIPMENT PURCHASE

On motion of Councilwoman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC
WORKS TO PURCHASE USED CONSTRUCTION EQUIPMENT,
INCLUDING A USED CATERPILLAR HYDRAULIC EXCAVATOR, FOR
AN APPROXIMATE AMOUNT OF ONE HUNDRED SIXTY-EIGHT
THOUSAND DOLLARS (\$168,000.00)**

was adopted.

CONTRACT AMENDMENT

On motion of Councilman McGary, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING AN AMENDMENT OF CONTRACT
IN LIEU OF PERFORMANCE BOND RELATIVE TO THE
CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL WITH
THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE
MANAGEMENT, ARISING FROM AN ANNUAL INFLATION
ADJUSTMENT, BY INCREASING THE BOND AMOUNT FROM SIX
MILLION FIVE HUNDRED NINETY-ONE THOUSAND FOUR
HUNDRED SEVENTEEN DOLLARS (\$6,591,417.00) TO SIX
MILLION SEVEN HUNDRED TEN THOUSAND FIVE HUNDRED
SIXTY-EIGHT DOLLARS (\$6,710,568.00)**

was adopted.

CONTRACT AMENDMENT

On motion of Councilman McGary, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING AN AMENDMENT OF CONTRACT
IN LIEU OF PERFORMANCE BOND RELATIVE TO THE
CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL,
LATERAL EXPANSION AREA 3 WITH THE STATE OF TENNESSEE,
DIVISION OF SOLID WASTE MANAGEMENT, ARISING FROM AN
ANNUAL INFLATION ADJUSTMENT, BY INCREASING THE BOND
AMOUNT FROM SEVEN MILLION THIRTY-TWO THOUSAND NINE
HUNDRED TWENTY-FIVE DOLLARS (\$7,032,925.00) TO SEVEN
MILLION ONE HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED
FIFTY-ONE DOLLARS (\$7,166,551.00)**

was adopted.

CONTRACT AMENDMENT

On motion of Councilman McGary, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING AN AMENDMENT OF CONTRACT
IN LIEU OF PERFORMANCE BOND RELATIVE TO THE
CLOSURE/POST CLOSURE PLAN FOR THE SUMMIT SANITARY
LANDFILL WITH THE STATE OF TENNESSEE, DIVISION OF SOLID
WASTE MANAGEMENT, BY DECREASING THE BOND AMOUNT
FROM TWO MILLION FOUR HUNDRED NINETY-SIX THOUSAND
SIX HUNDRED SEVENTY-SEVEN DOLLARS (\$2,496,677.00) TO
TWO MILLION THREE HUNDRED EIGHTY-FIVE THOUSAND ONE
HUNDRED SEVEN DOLLARS (\$2,385,107.00)**

was adopted.

AGREEMENT AMENDMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION TO AMEND THE AGREEMENT WITH TERRACON
TO COMPLETE THE NECESSARY ASSESSMENTS FOR THE
REQUIREMENTS OF THE EPA BROWNFIELD GRANT IN ORDER TO
INCREASE THE AMOUNT BY NO MORE THAN TWO THOUSAND
ONE HUNDRED DOLLARS (\$2,100.00), FOR A TOTAL PROJECT
COST IN THE AMOUNT OF TWO HUNDRED TWENTY-THREE
THOUSAND SEVEN HUNDRED DOLLARS (\$223,700.00)**

was adopted.

PURCHASE SCHOOL BUS

On motion of Councilman Murphy, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE CHIEF OF THE FIRE DEPARTMENT TO PURCHASE ONE (1) USED 1999 THOMAS SCHOOL BUS FROM NATIONAL BUS SALES LOCATED IN TULSA, OKLAHOMA, IN THE AMOUNT OF FORTY THOUSAND NINE HUNDRED TEN DOLLARS (\$40,910.00)

was adopted.

OVERTIME

Overtime for the week ending February 21, 2013, totaled \$20,484.49.

PERSONNEL

The following personnel matters were reported for the various departments:

HEAD START:

- ✓ **ERICKA WILLIAMS**—Resignation of Teacher Assistant, effective 2/13/13.
- ✓ **BARBARA COOLEY**—Resignation of Teacher, effective 2/11/13.

CHATTANOOGA FIRE DEPARTMENT:

- ✓ **JOSEPH ERVIN, AARON HARMON, SHAUN HINOJOSA, EDGAR PATTON, AND MATTHEW ROREX**—Promotion to Firefighter Senior, Range F2A, \$36,004.00 annually, effective 2/22/13.

CHATTANOOGA POLICE DEPARTMENT:

- ✓ **THELBERT MORRIS**—Retirement of Police Service Technician 2, effective 2/26/13.
- ✓ **ANTHONY GIBSON**—Resignation of Police Officer 1, effective 2/26/13.
- ✓ **JEFFREY L. FRANCIS**—Deceased, Police Captain, effective 2/20/13.

Councilman Murphy expressed his sympathy to the family of Captain Francis and also his extended family in the Police Dept., stating that he was a great servant and great friend.

PURCHASES

On motion of Councilwoman Berz, seconded by Councilman Benson, the Following purchases were approved for use by the various departments:

PUBLIC WORKS DEPARTMENT

RAMSEY TRUCKING COMPANY (Lowest Bid Meeting Specs.)
Requisition R71804

Blanket Contract for River Sand

\$25,000 estimated annually

PENINSULA EQUIPMENT COMPANY (Lowest Bid Meeting Specs.)
Requisition R70298

Blanket Contract for parts for Peterson Grinder

\$40,000 estimated annually

ALLIED WASTE SERVICES (Lowest Bid Meeting Specs.)
Requisition R71835

Blanket Contract for Front End Loader Services

\$26,000 estimated annually

TRAFFIC LOGIX CORPORATION (Lowest Bid Meeting Specs.)
Requisition R72035

Blanket Contract for Speed Cushions

\$100,000 estimated annually

D & T TRUCKING (Lowest Bid Meeting Specs.)
Requisition R71590

Blanket Contract for Gloves

\$26,000 estimated annually

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PURCHASES (CONT'D)

TELEDYNE ISCO (Lowest and Best Bid Meeting Specs.)

Requisition 71929

Samplers and Flow Meters

\$12,883.70

INFORMATION SERVICES

DLT SOLUTIONS (Single Source Purchase)
Requisition R72887

Oracle Database License Support Renewal

\$38,964.47

AIR POLLUTION CONTROL BUREAU

BB&T HUFFAKER & TRIMBLE INSURANCE SERVICE
Requisition R71401

Blanket Contract for Insurance Coverage

\$10,774 annually

PARKS AND RECREATION DEPARTMENT

PATES HAULING & DEMOLITION, LLC (Lowest and Best Bid Meeting Specs.)
Requisition R68303

Demolition of Alton Park Recreation Center Building

\$37,450

YAMAHA GOLF CAR CO. (Lowest and Best Bid Meeting Specs.)
Requisition R70321

Blanket Contract of Golf Cart Fleets

\$90,000 estimated annually

On motion of Councilwoman Robinson, seconded by Councilman Murphy, Attorney McMahan was given permission to settle the **Carson v. City of Chattanooga, et al** case involving an accident between a pedestrian and police cruiser in a parking lot. A settlement has been negotiated with the Plaintiff in the amount of \$27,500.

COMMITTEES

Councilwoman Robinson reported that in committee meeting the City Council heard a report from John Bridger, Director of RPA, in regards to the Chattanooga Housing Study. She noted that this was a Comprehensive Report that had been in the making for over a year, with a great deal of research and input from the public. There has been collaboration with the Real Estate industry and related matters, and there have been community meetings. The City Council has received actions to follow such as the creation of a Housing Task Force, which should be created after the upcoming election. She noted that this was a wonderful Planning Document.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, March 12th to immediately follow the Parks and Recreation Committee.**

Councilman Murphy scheduled a meeting of the **Legal, Legislative and Safety Committee for Tuesday March 12th to follow the Agenda Session.**

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday March 12th to follow the Legal, Legislative and Safety Committee** for an update on the Zoo.

Councilwoman Berz reminded everyone of the **Budget and Finance Committee Educational Session** scheduled for **Tuesday, March 12th from 1:00 p.m. to 2:45 p.m.** to hear from Air Pollution, CARTA, Scenic Cities Beautiful, RPA, Library, and Parks and Recreation.

Councilwoman Scott wanted to know if these departments would have Agency Request Applications posted on the website, much like the Non-Profit Organizations? Councilwoman Berz confirmed that this was true and asked Ms. Madison when we could expect this. Ms. Madison explained that this was part of the overall General Fund and after this information is given to the Council, it will be posted—she thought it would be Thursday.

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NEXT COUNCIL MEETING

Chairman Ladd announced that there would not be a Council meeting next week on March 5th, as some of the Councilmembers will be very occupied and

this is the time for everyone to go out to the polls and vote, as this is Election Day. The next meeting will be **Tuesday, March 12th**.

NEXT AGENDA:
MARCH 12, 2013

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

REBECCA LITTLE

Rebecca Little addressed the Council, stating that she lived at 3145 Scenic Water Lane. She stated that she would be brief but would like an explanation as to the proposed changes in the Charter as listed on the website that will be on the ballot on March 5th. She said as posted, that it read from Title 15—Chapter 4 that some of the terminology was archaic and being removed—that it indicates that the whole city is sewered. She maintained that saying the whole city is sewered was not accurate; that the Council had been informed by herself and others that there is a large area of Lookout Valley that is not sewered, as well as other areas. She asked if the whole city is not sewered, why was it explicitly posted saying that the whole City is sewered?

MICHAEL KELLY

Michael Kelly addressed the Council and thanked them for this opportunity to speak, expressing that he wished to follow in their footsteps and thanked them for a job well done. He stated that he would like to get the Council's support on a new project called "City Without Tears". At this time he presented a short video of his project, which was well received by the Council and the audience.

BASIL MARCEAUX

Basil Marceaux of 810 High Street in Soddy Daisy addressed the Council. He related that he read in the newspaper last week about a Resolution concerning

the \$50.00 fine with 145 days to get there; that being a historian, this should have been changed many years ago; that the City should do it right and go all the way; that they should listen to all of the higher court rulings, even though they might not listen to the Supreme Court; that the City is civil and cases should be sent to Circuit Court and not Criminal Court. He stated that he knew it was hard to change the Charter—that he had asked in 2001 that the Charter be changed—that the Supreme Court of Tennessee says civil.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, March 12th, 2013 at 6:00 p.m.

CHAIRMAN

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)**