

AGENDA SESSION
November 10, 2009
3:00 P.M.

The Agenda Session was called to order by Chairman Benson, with Councilpersons Berz, Rico, Ladd, Robinson, McGary, Scott, Gilbert, and Murphy present. City Attorneys Michael McMahan and Valerie Maleug and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Paul Page, Chief Parker, Daisy Madison, Lee Norris, Jerry Stewart, Joachim Volz, Jim Templeton, John VanWinkle, Vickey Haley, Bill Payne, Dennis Malone, Steve Leach, Richard Beeland, Chief Cooper, Fredia Kitchen, and Larry Zehnder. Dickie Hutsell, Gary Hilbert, and Solomon Hatch joined the meeting later.

AGENDA ITEMS FOR NOVEMBER 10, 2009

Mr. Johnson noted that **Ordinance 5(a)** was the Plan of Services for area 9B and was discussed last week and on for final reading tonight. **Ordinances (a), (b), and (c) First Reading** were discussed with Barry Bennett last week. **Ordinance (d) and (e)** are zoning matters. **Ordinance (f)** will be deferred until **November 24th**. **Ordinances (g) thru (i)** are zoning matters. Councilwoman Berz stated that Ordinance (g) would be withdrawn. **Ordinance (m)** is the Capital Budget.

Resolution (a) authorizes a contract with Bradanna, Inc. to construct Fire Station No. 7 at Enterprise South in the amount of \$1,879,000.00, with a contingency amount of \$187,900 for a total cost not to exceed \$2,066,900.00. Councilwoman Scott asked if the last line about bidding was supposed to be in the Resolution? Attorney McMahan agreed that it was uncommon language and added that there was a bid protest on this Resolution.

Mr. Bill Colvin of Helton Construction Co. spoke concerning this. He explained that one of the subcontractors (RB Electric) was in violation because he was not licensed; that the License Law is clear and binding and could be a criminal offense; that the Licensing Board felt that this bid was submitted improperly and was invalid. Attorney McMahan disagreed, stating that RB Electric was a subcontractor and was properly licensed.

Councilwoman Scott stated that there was a lot of confusion, and she did not understand and would like to defer this matter to another meeting. Attorney McMahan did not feel that this would serve any purpose as the Licensing Board meets periodically and that the Council should either accept this bid or reject it and send it out for re-bidding. Councilwoman Scott still expressed her misunderstanding of this. Attorney McMahan responded that no one understands this—that in his opinion the Licensing Board is a “rogue group”; that they are overly bureaucratic and require people to go through “hoops”.

Councilman Murphy wanted to know when the bid was solicited and was told by Chief Parker that it was advertised for 30 days, with Councilman Murphy noting that it was a September bid. Councilman McGary wanted to know if the Council approved this, would it be challenged and if we would be on sound, even ground? Councilwoman Berz questioned if the prime contractor made an error? The owner of Bradanna, Inc. was present and stated there was no error—that RB was on the form, and he was comfortable on moving forward with this. Chief Parker wished to go forward as they had a timeline. It was noted that it would take two and one-half weeks to rebid, with Chief Parker agreeing to this. Chief Parker asked Chief Jacks to speak to this. He stated that this would throw us behind and cost us more money—that there were time restraints. Chairman Benson also noted that if we went ahead, they would be subject to a Stop Work Order.

Chief Johnson continued with the agenda, stating that **Resolution (d)** was covered last week. **Resolution (e)** authorized a contract with Haman's New Drivers for the City's Driver's Education Program in an amount not to exceed \$70,000, through February 2010. Councilwoman Scott wanted to know who parents would write their checks to? Mr. VanWinkle responded that parents would submit an application along with \$50.00 to his office, and they would transfer this to Haman's. Councilwoman Scott confirmed that they called Traffic Engineering. Mr. VanWinkle stated that they had a waiting list now.

Resolution (f) adopts a Five-Year Capital Improvement Plan.

AGENDA ITEMS FOR NOVEMBER 17, 2009

Ordinance 6(a) First Reading on next week's agenda is a short-term situation to waive fees or restrictions for use of the right-of-ways throughout the Downtown Central Business District to allow placement of signs, banners, decals, and other displays to promote the NCAA Championship Game during the week of December 14-19, 2009, subject to certain conditions. Councilwoman Scott asked for a definition of decal with Adm. Leach stating anything fixed on busses, etc.—that they would be removed and would not cause obstruction.

Ordinance 6(b) amends the City Code relative to speed limits on M.L. King Blvd. It will make it a uniform 30 mph.

Resolution (a) authorizes a Personal Services Contract with Michael L. Feely to act as a liaison with Hispanic and homeless populations of Chattanooga in an amount not to exceed \$22,000 per year. Councilwoman Scott stated that she had had no chance to read the contract. Attorney McMahan promised to get her a copy.

Resolutions (b) and (c) will be discussed in Public Works next week.

Resolution (d) authorizes the acceptance of a donation of property from AKI, Inc. located at 1815 Main Street, etc. Mr. Page stated that this was 6700 sq. ft. Councilwoman Scott wanted to know its prior use and if the ground had been tested. Mr. Page stated that it was clean. She wanted to know why they were giving this to us. Mr. Page stated that they had moved to a more efficient operation. She asked if we were paying anything to get it and was told no.

Chief Johnson went over purchases on tonight's agenda. The first was for purchase of radio batteries from Batteries Plus in the amount of \$17,301.50 for General Services; the second was a blanket contract for ammunition for approximately \$169,547.38 for the Police Dept.; and the last was bulk lime kiln dust from Mintek Resources, Inc. for Public Works for approximately \$289,658 annually.

At this point, Chairman Benson asked Dickie Hutsell to speak to a situation that was costing the City money because of poor communication between the City and County. He explained that Mr. Bennett was responsible for assessing value; that this situation was a single-family dwelling in 1965 and was annexed into the City in 1973 still as single-family; however in 1993, the County charged the commercial rate for taxes; that we gave the current owner the right to rezone—that the number of mail boxes and number of meters had not changed. Chairman Benson added that the County had been collecting at commercial rates for 16 years, and we had continued at the residential rate, and the County knew about this. Ms. Madison stated that she would check into this. Mr. Hutsell stated that the property was located at 4012 Webb Rd.

The meeting adjourned at 3:30 p.m.