

PUBLIC WORKS COMMITTEE

June 30, 2009

3:30 P.M.

Councilman Rico, Chairman, called the meeting of the Public Works Committee to order, with Councilmen Benson, Berz, Robinson, Scott, Ladd, McGary, Gilbert and Murphy present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dennis Malone, Barry Bennett, Dan Johnson, Steve Leach, Lee Norris, Jim Templeton, Gary Hilbert, Vickie Haley, Chief Parker, Jerry Stewart, Chief Dodd, Richard Beeland, Bill Payne, Officer Collins, Officer Haskins, Dickie Hutsell, and Larry Zehnder.

Chairman Rico asked Adm. Leach to go through the agenda. Adm. Leach noted that after he is finished that Adm. Zehnder will discuss Resolution (b) on next week's agenda.

Ordinance (a) First Reading is a closure and abandonment for Charles T. Bowman, abandoning a sewer line and easement located off the east line of 1100 Block of Shady Rest Road. This is in East Brainerd and is for the redevelopment of the lot. It is a dead-end street, and the sewer line will be replaced. Councilman McGary asked if this was connected to the sewer pipe and was told "no", it is private. Councilwoman Robinson asked about the icons on the screen and was told by Bill Payne that these are Land Disturbing Permits.

Ordinance (b) is for Randy Brady, Jr. and closes and abandons a portion of the unopened right-of-way in the 4000 Block of Lowell Street located off the 4000 Block of Glencoe Street. This is also part of redevelopment and another street will be put in to serve this site. It is where the railroad crosses Highway 58, near the Waterhaven Subdivision.

Resolution (c) is sewer related and Jerry Stewart is to respond to this. It is for an agreement for professional services for evaluating the efficacy of the CSO Operation Management System Contract with Arcadis U.S. Inc. in an amount not to exceed \$7,500.00. Mr. Stewart stated that he would show that what they are doing is the proper thing to do.

Resolution (d) authorizes an agreement for professional engineering services for the Carter Street CSOTF Outfall Replacement Project, Contract No. W-09-015 with Arcadis U.S., Inc. in an amount not to exceed \$183,000.00. It was explained that the sand is 40-50 ft. deep, and they can't get the cameras through and are relocating this.

Resolution (e) concerning an agreement with CTI Engineers, Inc. will be put off for two weeks.

Chairman Benson wanted to return to Resolution (d), asking why we would go further with the line? Mr. Stewart stated that we were taking the easiest way. Chairman Benson asked if it were the cheapest way? Mr. Stewart responded that it was the best route and the best plan to cross the new line depth.

Resolution (f) authorizes an agreement for professional engineering services for the Citico Creek Interceptor Rehabilitation Project, Contract No. W-09-014 with Lamar Dunn & Associates in an amount not to exceed \$235,750.00. This includes 16 creeks and streams and all are on the list and Citico is working hard to get off the list. Sewer was constructed in 1947, and we are getting inflow and infiltration. Councilman McGary asked the start to finish time and was told 9 months to a year.

Resolution (g) concerns an agreement with CTI Engineers, Inc. and referral is being requested.

Resolution (h) authorizes an agreement for the Tiftonia Interceptor Rehabilitation Project with Jordan, Jones, and Goulding, Inc. in an amount not to exceed \$184,750.00. This is downstream from the Tiftonia II Pump Station and the foundation is corroding.

Councilwoman Ladd stated that she received an e-mail concerning this being an out of town vendor, stating that we had in-town people who could do the job.

Mr. Stewart responded that we had a number of potential people apply, and they made the recommendation and the committee approved it. He stated that they had done jobs in Memphis.

Chairman Benson stated that he thought Mr. Stewart was talking about the Professional Services Committee and asked who was on this. Mr. Stewart stated that this was handled by Administration. Mr. Johnson stated that the committee consisted of Paul Page, himself, Al Chapman and Artie Pritchard and the department requesting the contract sends a representative.

Councilwoman Berz stated that she would like some follow-up as to whether these out-of-town contractors are using local labor or their own.

Mr. Stewart responded that this particular company is opening up an office in Chattanooga on July 1st, which is one of the reasons we made this choice; that they are doing our design work.

Councilwoman Berz stated that if they were opening an office here, they have expectations of more work here; that she wanted to make sure that jobs go to local, qualified people. She asked if we were doing anything about this; that she felt they were opening an office with expectations of doing more work for the city.

Mr. Stewart explained that this goes through RFP's, and there is no bidding.

Councilwoman Berz stated that lowest and best is one of the aspects and mentioned an Affirmative Plan to hire local labor.

Bill Payne explained that design work is not lowest and best bid; that we look for qualifications; that in construction, we look at local firms; that the State Law is about qualifications.

Councilwoman Berz asked if the \$213,000 was all for design services? Mr. Stewart responded design and construction. Mr. Payne stated that it was for design and there would have to be a representative on site. Councilwoman Berz asked if this person would be Design and Project Manager and again asked if any consideration was given to local labor?

Mr. Johnson stated that this was one of the purposes of the Professional Services Committee; that Paul Page had a file on local engineers and that efforts were being made to give work to small engineering companies in town.

Councilwoman Scott stated that she would like to see the policy procedures on how they process work; that there are many engineering firms looking for work and TDOT has a website that shows individuals that are pre-qualified to work on engineering projects such as roads and sewers; that without too much trouble she was able to put in Chattanooga and there were 20 local companies; that if the intent was that we are really looking for the right type of qualified people locally, this would be one avenue of advertising, even if these type contracts are not bid out; that there are other knowledgeable contractors out there to look at.

Mr. Stewart stated that this is advertised through the newspaper and people are asked to submit their names to be evaluated; that they went through a technical process and through the City Engineer, and then they take the top three to the Professional Services Committee for their guidance.

Councilwoman Scott asked if he was saying “no” that they could not be e-mailed. Mr. Stewart stated that if there was a better way “fine”. Councilwoman Scott responded that advertising in the newspaper was not wrong but questioned if this reached all the firms that we have in this city.

Mr. Norris stated that it is advertised and did not feel it is the City’s responsibility to have to go out and look for these companies. Councilwoman Scott asked “Why Not”?

Councilman Gilbert asked what section of the paper this was in and was told the Legal Notices. Adm. Leach stated that as soon as this goes out, they get “hits”.

Councilwoman Berz stated that she had a great deal of respect for the people here today but took exception with the statement that we don’t have an affirmative duty to go out and seek local companies with the economy like it is today and the need for jobs in this city; that we do have the responsibility since it is taxpayers’ money; that when all qualifications are equal, we need to consider at-home businesses; that she was not begging the issue with the Professional Services Committee, but we should not be making “flip” remarks that we have no responsibility to local citizens.

Resolution (i) authorized an agreement for professional engineering services for the Upper Amnicola Interceptor Rehabilitation Project with Jordan, Jones and Goulding, Inc., in an amount not to exceed \$184,750.00. Adm. Leach stated that back in 2002, we had a major cave-in and were able to fix this with a lot of effort; this is upgrading the plant.

Councilman Benson stated that the same thing happened on Broad Street and asked if they had fixed that or were going to patch this? Mr. Stewart stated that this would be replaced—that it was built in the mid 70’s and had been like this for 25 years; that it would be lined. Councilman Murphy asked how it would be lined? Mr. Stewart explained that they would take some resinous material and force it in with hot water and then line with plastic.

Resolution (j) authorizes an agreement for professional engineering services for the Collegedale Pump Station Upgrade Project, Contract No. W-09-013 with Arcadis U.S. Inc., in an amount not to exceed \$235,000.00. This was built in the 1970’s and needs upgrading; an overflow had been created, and it needs to be upgraded from an electrical standpoint. Councilwoman Robinson wanted to know where this is in relation to the upcoming annexation? Adm. Leach stated that it was northeast of the Summit Ballfield and in Collegedale. Mr. Stewart added that it would take care of future growth.

Resolution (k) authorizes a State Industrial Access (SIA) Grant from the Tennessee Department of transportation for the North Access Road into the Volkswagen Group of America facilities relative to Contract No. E-09-015. Bill Payne explained that we had applied for this State Industrial Access Grant at the Volkswagen site; this is the first project underway and others will be forthcoming. This is the northern portion, and this Grant will allow us to build a two-lane road to the north entrance and will be a local road with State funds.

Councilman Gilbert asked if it would be a two-lane road without a middle lane? Mr. Payne responded that it would be two-lane and 12 ft. wide—that there was no reason for a center lane. Councilman Gilbert asked about the increase of traffic? Mr. Payne explained that this will split the traffic without congestion. Councilman Gilbert asked where this was on Highway 58? He was told at Clark Rd. He then asked if it would not increase the traffic on Highway 58? Mr. Payne agreed that there will be an increase, but he did not have any exact numbers. Councilman Gilbert noted that it might be difficult for people who are walking and asked because of the increased traffic if they would provide sidewalks? Mr. Payne responded that this does not provide for sidewalks; that it does not address this. Councilman Gilbert asked if this could be upgraded in the future? Mr. Payne responded that an Enhancement Grant might could be looked at—that it would be based on where the apartments are located.

Councilman McGary asked if there would be any signage on I-75 to say future home of Volkswagen? Attorney McMahan noted that there will be a \$12 million dollar Visitor Center. Adm. Leach added that the road is being constructed, and there will be signage on the Interstate; however at this stage, we don't want a lot of people on the site, and we have to be cautious; that before the plant opens, there will be a large sign saying Volkswagen on I-75.

At this point, Councilman Murphy congratulated Mr. Payne on his award.

Adm. Leach continued with the agenda, noting that **Resolutions (l) and (m)** are in the same area and are street name changes. Mr. Malone stated that there is a subdivision called Delawanna Terrace. Delawanna Terrace was used for both streets; that Public Works had discussed this, noting that the names were wrong, and these two Resolutions corrects these names and allows Delawanna to stay the same on one and the neighbors had agreed to Dagnan Lane on the other.

Councilman Murphy asked if the houses were numbered? Mr. Malone stated that he was not sure. Councilman Murphy asked if there were duplicate address numbers. Mr. Malone responded that they had to change at least one of the numbers. Councilman Murphy questioned “why not at the fork”?

At this point, Lee Norris related an incident on Anderson Drive where a call went in to 911, and it was just typed in as “Anderson” and the emergency people went to Waldens Ridge to Anderson Pike and then had to be re-dispatched and 15 minutes were lost because of the duplicate road names.

Councilman Murphy asked if Signal Mountain and Red Bank were changing? Mr. Norris responded that we change them as we find them.

Councilwoman Scott related that she had received a call from a man on O’Grady Rd., and he and others on his street were told January 3rd that this would be changed to Pan Gap Circle and all of them changed the address on all their official and legal documents and then on June 26th they all got a letter telling them to disregard this change and now the name would be Wallflower—an entirely new name. They changed their address once and now they were being put through this three times.

Mr. Norris responded that this one caught him by surprise.

Councilwoman Scott stated that there was a Pan Gap Rd. but not Pan Gap Circle, stating that these duplications should be allowed. She noted that Wallflower sounds a lot like Wildflower—that they sound pretty much the same.

Mr. Norris stated that the new members of the Council should get an education on name changes.

Councilman Murphy questioned the 911 Center getting crossed up with Walden Ridge? Mr. Norris explained that they just type in what they hear on the telephone

Councilman Benson stated that he thought we needed to re-address our policy.

Mr. Norris agreed that one of the issues is names that sound alike.

Councilman Benson questioned if this discussion should come to the Public Works Committee or the Legal and Legislative Committee? Councilman Rico, quickly said—Legal and Legislative! Councilman Benson stated that we were not following our policy—that we needed to either follow it or change it.

Resolution (n) combines and changes the right-of-way name of the 700 through 799 Block of Evans Street and the 500 through 599 Block of South River Street to the 500 through 599 Block of Molly Lane. This involves two streets—Evans and South River Street. South River Street needed to be changed because of duplication. Molly Lane was suggested by the developer.

Resolution (o) changes the right-of-way name of the 1600 through 1789 Block of School Street to the 1600 through 1799 Block of Sivels Lane and the 1790 through 1799 Block of School Street to the 3800 through 3899 Block of Longview Ave. This is in St. Elmo on W. 35th Street near Chattem. School Street is a common name and will be changed to Longview Ave. and no houses will be affected; the only house that would be affected is the one where the lady gave us the name of Sivels Lane. Councilman McGary asked if the people choose the name—then it is okay with them? He asked if this was a way of getting compliance?

Resolution (p) ends the moratorium on building permits for lots in staff-approved subdivisions established by Resolution No. 25964, adopted on June 9, 2009. Councilman McGary asked if the issue had been addressed? Councilman Benson noted that the present moratorium had created a real hardship.

Barry Bennett was present and explained the whole reason for the moratorium. It was determined that the Planning Commission had legal authority to take a Staff-approved Plat that had been recorded and reverse the action on the Plat and take other action. It was determined by the City Legal Staff that our process was not that broad; that once a determination had been made that the Staff did not have this authority, there was no longer a need for the moratorium, which is creating a hardship. He added that they did meet last week, and this will be brought up at the next Planning Commission meeting where the situation will be presented, something like Morris Hill Rd.

AGENDA ITEMS FOR JULY 7, 2009

Adm. Leach stated that **Resolutions (c) and (d)** were related. He turned this over to Dennis Malone. Mr. Malone stated that his picture had gotten lost; that one year ago Arcadis scoped out a Traffic Study for the Moccasin Bend area—that there were a lot of transfer trucks and heavy traffic and conflicts will arise; that we are looking at the current Traffic Study in regards to walkers, bicyclers, and vehicles to see what changes can be made to make this safer for all involved.

Councilwoman Scott stated that she was just asking, but there was some controversy in the engineering community as to how this contract was awarded; that this is different from normal contracts that are awarded. She asked that the most knowledgeable person in the room please explain why this is different.

Adm. Leach responded that the Park Service initiated this. We don't have the money to issue a contract and the Park Service chose Arcadis.

Councilwoman Scott confirmed that this was the reason we did not authorize this. Adm. Leach responded that it was not a Park contract.

Resolution (e) authorizes Contract No. E-04-019-201, Hudson and Terminal Road Reconstruction to Stein Construction Company, Inc. in the amount of \$493,212.76, plus a contingency amount of \$49,332.24, for a total contract amount not to exceed \$542,535.00. Adm. Leach explained that there is a lot of industrial traffic, and this is in poor shape. Mr. Malone added that there are two industrial roads that get heavy duty traffic, and we need to rebuild both of these roads at this time.

Councilman Gilbert asked if Volkswagen would be using barges? Adm. Leach responded that it would be rail, mostly—that this is not our thing. Mr. Payne added that we were not working with this, and it was not part of our discussion.

Resolution (f) authorizes Custom Design, on behalf of Jeff Sims, to temporarily use the right-of-way at 409 Broad Street to install an awning and signage, subject to certain conditions. Mr. Malone stated that this would be 8 ft. above the sidewalk level.

TRUST FOR PUBLIC LAND—NORTH CHICKAMAUGA GREENWAY

Adm. Zehnder went over **Resolution (b)** on next week's agenda that authorizes a management agreement with the Trust for Public Land for the design and construction of part of the North Chickamauga Greenway in an amount not to exceed \$50,000.00. He stated that this was similar to the Waterhaven Project but on a different part of property; that Rick Wood with TPL was here to discuss the management agreement.

Mr. Wood stated that he did not have a power point presentation but did have a map. He showed the Greenway Farm and the plan to build a trail, noting that a lot of activity was happening. He explained that they had an unwilling land owner, noting again that there was a lot of activity. He told of two landowners—Morning Point and the Board of Education that were in agreement. The cost of the trail being constructed is a \$75,000 project, and the City will be putting in \$50,000, and the balance will be received from private donations.

Councilman McGary asked if the \$50,000 was the total for construction and what the City would be getting financially? Mr. Wood responded that the \$50,000 is for design and construction.

Councilman Benson indicated that he had a few problems with this—that we will be putting \$50,000 into TPL, and that TPL would execute an RFP to see who will do the design and construction. He questioned if it were city money, why was the City not putting out the bid? Mr. Wood responded that they would be happy to have the City do this.

Councilman Benson asked when the Council would be seeing the Budget for this fiscal year? Mr. Johnson responded “When it is balanced”. This prompted Councilman Benson to note that they were having a hard time balancing the Budget, and we might need this \$50,000; that he was not comfortable with this.

Mr. Johnson explained that this is capital money.

Councilman Benson asked who would maintain this and if the County would have a part in this? Mr. Wood responded “not that he knew of”. Councilman Benson stated that he was unready to do this right now.

Councilman Murphy stated that the planning was not done; that as the population ages, concrete is not friendly to 50 year old knees. He asked if there was the potential for side paths that would be more natural and would accommodate people in wheelchairs. He questioned if there could be a side path of mulch, which would be softer on 50 year old knees. He asked if this was an efficiency that TPL had in terms of the bidding process and some flexibility that the City can take advantage of.

Mr. Wood responded that he thought so—that they were pulling in public money and private money and would do a transparent bidding process; that it is a very efficient way to work with the private sector; that the attorneys are working together and wanted to do this quickly.

Councilman Rico stated that the longer we wait, the more it will cost us; that this needs to be done because such things as this draws people to our City; that the more we wait, the higher the cost will be; that it was things like this that kept Chattanooga going as a tourist town.

Councilwoman Robinson stated that she had an interest with the stakeholders; that in this economic time, he was out there building Morning Point and partnering with the City and a foundation was waiting to fund this and contribute to a long-range plan; that she thought everyone at the table thought this was important, and it says a lot to the Hixson community, and she was very pleased with this. She went on to say that she did not know the two landowners who were holding out, but she thought their property would be worth less; that their property values would go down, and they would be sorry.

Councilwoman Ladd stated that she would like to echo Councilwoman Robinson’s comments; that this was in her district. She urged all to come down to the Farm, stating that she thought it was important to know that we have a rental home and kayaks and a dog park—that there is so much activity and this is a fantastic value, and she would “piggyback” on Councilwoman Robinson—that two had come to give space up, and the City needs to do our part; that TPL will be doing the toughest part, which is fundraising; that this will serve the community and the kids that are in school—that the teachers will use this trail for instructional purposes; that it was not just green space but would be engaging the community; that we did not need to sit and wait too long, and she encouraged that we let this move forward.

Councilwoman Berz stated that she thought we should do this; that we needed to go forward and not micro-manage; that people who volunteer to build things are great citizens who step up; that we spend millions of dollars on some aspects and then pull back on something that concerns the quality of life; that this is ongoing and will help, and there is no reason to pull back.

Councilman McGary asked what was next?

Mr. Wood responded that this was a great question! He noted that ClearCreek Church of Christ had agreed to donate an easement and that all the landowners are lined up to build this trail, with the exception of one.

Councilman Gilbert stated that he agreed with Councilman Rico; that we bring people here because it is a tourist town; that we are doing better than Gatlinburg because we have the space and people come back because of the atmosphere, and we have so much to give, and a greenway is the way we do it. He mentioned that along the trail people would be able to see wild turkey and deer and \$50,000 was not too much to spend to bring people here.

Councilman Benson urged that he not be misunderstood—that Quality of Life is not just things like this—that it is sewers, police protection, parks and recreation, arts on the street, and pavements—that all of this makes up quality of life; that we need to look at the whole picture, and he would like to see the Budget before we get to this; that it was said that this was capital money, and we have this; that he had no problem in spending, but he thought the Budget people would be bringing bleak news to us. He again asked if there was not some other way to set this bid up—that Mr. Wood could hire his brother.

Mr. Wood responded that this would not be possible because they had an ethics policy.

Councilwoman Scott stated that she would echo what Councilman Benson is saying about the cost—that this is a great idea to do but there needs to be some look at our money—we don't know how much we will have; that it seems to be the preference that this needs to go forward, but we don't know what the money will look like and \$50,000 will be the smallest part, and we will still have maintenance and upkeep; that long-term is the issue with security and maintenance; that the mortgage will never end; that this is a very interesting idea, but we should have all this other in the back of our minds.

Councilman Gilbert asked if we would have a partner with the County in this—that if not with money that they could provide the people with DUI's and child support problems and rather than putting them in jail, put them to work on the greenway and utilize this county asset, whereby they would be giving a portion with people to maintain the greenway; that this could be a resource.

Councilman McGary stated that in respect to Councilman Benson and Councilwoman Scott and their sensitivity, he would ask how harmful it would be to wait a month for the Budget?

Mr. Wood responded that they would love to get this started as quickly as possible in order to make it more efficient.

Adm. Zehnder noted that this was on next week's agenda.

Councilwoman Berz stated that we had talked about Greg Vital and asked if it would be helpful for him to speak about the efficiency of this. Adm. Zehnder stated that he could ask him to come next week. Councilwoman Berz stated that he could speak to this in order for it to go forward or Councilpersons could speak to Mr. Vital on a one-to-one basis—that Mr. Vital was doing work that otherwise the City would have to pay for.

Mr. Wood ended by saying that the contractors are doing the grading work and want to hit the ground running.

The meeting adjourned at 4:45 p.m.