

PUBLIC WORKS COMMITTEE
MARCH 29, 2011
3:30 P.M.

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

Others present included Dan Johnson, Mark Keil, Gary Hilbert, Karen Hundt, Chief Parker, Alice Cannelli, Larry Zehnder, Daisy Madison, Justin Holland, Dickie Hutsell, Richard Beeland, Dennis Malone, Steve Leach, Mike Patrick, Jimmy Templeton, Lee Norris, Bill Payne, Brian Shultz, and Tony Boyd.

Adm. Leach stated that after he went over agenda items that there would be a brief presentation on a new truck system.

Ordinance VI(a) granted a franchise to Memorial Health Care System for underground piping. There will be a Public Hearing tonight.

Councilwoman Scott asked Attorney McMahan how this franchise differed from the Gas Co. Franchise legally speaking. He responded that there was a major difference—this is a right to use the road for a limited purpose; they will not be using facilities all over the City—that it is not an entity created to use streets all over the City. She asked how it was different from an easement? Attorney McMahan responded that it was an easement but because it is a street, we call it a franchise. Adm. Leach added that it essentially is a temporary use. She asked if any money was involved and was told “no”.

Resolution (b) authorizes Larry Crane to temporarily use 806 Browns Ferry Road Pump Station property for access across city easement during high water. This is only in the event he can't get out. The easement is across the Pump Station. This will be on an as-needed basis with a flooding event.

Resolution © authorizes an agreement with Thompson Engineering, Inc. for professional services relative to Crest Road Enhancement and Evaluation Project-Phase 1, in an amount not to exceed \$245,500.00. Crest Rd. is concrete and some of the section has settled unevenly; they were trying to work through how to resolve this issue without trauma.

Resolution (d) authorizes Change Order No. 1 with Lamar Dunn and Associates, Inc. relative to River Street Extension for an increase of \$41,653.00, for a revised contract amount not to exceed \$146,953.00. Mr. Malone explained that this was under negotiation with Lamar Dunn; that it was one project and is now three; that entrance into the condos is needed by a certain date. The first phase of the contract was streetscaping, and we stopped at this point and are

negotiating with TDOT for use of the area under the bridges; there is no cost with TDOT, and we came to an agreement not to use the property under the bridges (cost lease). There is an issue with FHWA and damage to the bridge and concerns with parking under the bridge. The design covered a storage facility, which had to be redone.

Councilwoman Robinson asked if parking at the bottom of the bridge will go away? Mr. Malone explained that there will be parking, but we can't charge.

Councilwoman Scott wanted to know if the storage facility was temporary and could be used afterwards? Mr. Malone responded that it was a permanent facility.

Resolution (e) authorizes Highland Park Commons, Inc. to temporarily use the right-of-way along the northern most property lines of the 2000 Block of Union Ave. to redesign the site to include new streetscapes, sidewalks; 16 ft. tall fence, light poles, and foundations. Mr. Leach stated that this was an unusual project; that this is surrounded by residences and would not meet certain requirements. It is on our right-of-way (some of this). There is still the hurdle of the Board of Appeals.

Councilwoman Robinson asked about the 16 ft. tall fence? Mr. Malone explained that it was to keep the balls in the soccer field. She asked if it would be see-through and was told yes.

Resolution (h) changes the right-of-way name of the 1400 to 1499 Block of Manchester Avenue to the 1400 to 1499 Block of Glen Haven Place due to duplicate street name. This is in North Chattanooga.

AGENDA ITEMS FOR APRIL 5, 2011

Resolution (d) accepts \$46,000 from Silverdale Baptist Church for the installation of a traffic signal at 7236 Bonny Oaks Drive. This is near Enterprise South and Silverdale Baptist has been hiring a police officer for years to direct traffic. We settled on a traffic signal, and we will accept the funds and install the signal and maintain it.

Resolution (e), (f) and (g) are essentially the same and involve folks who need sewer repairs done and can't afford it and meet the qualifications. Councilwoman Scott asked to be reminded of the source of these funds. Mr. Malone explained that they were Community Development Block Grant Funds. She confirmed that this was federal money.

Resolution (h) authorizes an agreement with Consolidated Technologies, Inc. for professional services relative the East Brainerd Rd. Sanitary Sewer Replacement and Extension Project in an amount not to exceed \$432,000.00. Mr. Malone explained that this was in conjunction with TDOT's widening of East Brainerd Rd.; that it is a two-part project, and this contract goes hand-in-hand. The total design is from Morris Hill up to Banks. They will design the project and relocate a portion.

Councilman Benson asked if this money is from the Enterprise Fund? Mr. Malone responded “the Enterprise Fund and SRF funding”. Councilman Benson asked if this was the second one we have had and was told the other one was Brainerd Pump Station Upgrade. He again questioned if this was all out of the Enterprise Fund.

Councilwoman Scott stated that she did not question the need but did have some concerns about the contract, specifically mentioning pages 11, 12, and 13. She stated that it went into great detail as to what engineers will not be doing, and she was concerned where we indemnify against anything happening. She mentioned that another project in the past did not go well with this engineering company and as this is presently written, she would not vote for this.

Adm. Leach asked her if she had talked to the City Attorney’s office about this? She stated that she was bringing this up in committee meeting and would vote against it unless there were changes.

Councilman Benson stated that he, too, would like an answer to this and questioned if the indemnification with CTI is necessary and was it true that other engineering companies did not have this?

Mr. Payne explained that this was identical to the Apison Pike agreement with CTI and no additional changes were made.

Councilwoman Scott stated that she did object to CTI, noting that the engineering company cannot be responsible for all the contractor does; that we are paying him to oversee the construction, which is a “horse of a different color”. She stated that indemnification statements do not serve us well, and unless we take another look, she will vote against this.

Mr. Payne explained that there are obligations by the contractor and a limit to means and a limit on our ability short of Performance Bonds. He stated that Public Works staff could provide some of the oversight and added that this language is no different from contracts in general.

Councilwoman Scott mentioned a multi-million dollar lawsuit with a contract with this firm in the past and stated without this lawsuit she would not have been as concerned and worried about going forward.

Attorney McMahan explained that Public Works developed this contract and all engineering contracts look like this; that it is standard; that indemnification is onerous on engineers, mentioning that pages 11-13 include three parties—the owner, engineer, and contractor; that there were certain responsibilities on all three and all have to work in coordinating with each other. He stated that engineering contracts were not easy to re-draft, and this was a standard engineering contract.

Councilman Murphy brought attention to Paragraph 14 on Page 13, involving limitation of responsibility and read this paragraph—that if they don't perform in a competent manner that they are "on the hook"; that the language may not be as crystal clear but seems to be the operative controlling factor. He agreed that construction contracts are convoluted.

Councilwoman Scott stated that as she read these time after time, she would still maintain that this is the most indemnified "bar none".

MULTI-USE CHASSIS FOR TRUCKS

Adm. Leach stated that he would like to get Tony Boyd up to the podium to explain the Multi-Use Chassis for trucks.

Mr. Boyd stated that this would be replacing aged equipment—an '86 model; that the Multi-Use Chassis will take the place of two vehicles in the fleet. He showed pictures of the Loose-Leaf Pickup on the highway, noting that boxes are fabricated on the old trucks and mentioned the number of staff that this takes—three crew workers, two drivers, and one supervisor. He then showed a picture of the new Hook Lift that only uses one person. He explained that the new truck is currently being used in several cities, including Knoxville. He then showed more pictures, including those of snow plows and a central hydraulic system. He went through a break-down of the costs savings.

Councilman Murphy asked if the staff figures included benefits and was told "yes".

Mr. Boyd went on to say that the Multi-Use Chassis would pick up leaves, have a dump body, and could be used as a snow plow and showed pictures of various trucks. He stated that this also takes the place of sway cars; that they are much simpler to operate with a hook lift, and the employee does not have to get out of the truck. He showed pictures of a salt and sand spreader, noting that the hook-lift would help here.

Chairman Ladd thanked Public Works for the presentation.

The meeting adjourned at 4:05 P.M.