

COUNCIL AGENDA SESSION
November 4, 2008
3:00 P.M.

Vice Chairman Benson called the agenda session to order with Councilmen Rico, Berz, Page, Shockley and Robinson present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dennis Malone, Chief Rowe, Daisy Madison, Fire Marshall Haney, Dan Johnson, Lee Norris, Steve Leach, Jerry Stewart, Richard Beeland, John VanWinkle, Jim Templeton, and Missy Crutchfield.

Councilman Benson stated that we would try to move through the agenda quickly, as there was another issue to be discussed.

Mr. Johnson went over the following purchases: (1) Annual Blanket Contract for Aerial Testing Services for General Services from American Test Center in the amount of \$10,428.00; (2) Annual Blanket Contract for Komatsu/Dresser Heavy Equipment for the Public Works Dept. from Power Equipment Co., based on the hourly unit prices bid; (3) Wireless Detectors for the Public Works Dept. from Temple, Inc. in the amount of \$11,266.00; (4) Traffic Control Cabinets for the Public Works Dept. from Temple, Inc. in the amount of \$22,085.00; (5) Requirements Contract for Radio Batteries for General Services from Battery Zone, Inc. in the amount of \$17,332.50; (6) Requirements Contract for Welding Gases for General Services from Industrial Welding & Supply based on the unit prices bid; (7) Annual Blanket Contract for Carousel Restoration & Repair Services for Parks and Recreation from Frank Ellis based on the hourly unit price bid; and (8) Requirements Contract for Genuine OEM Heil Truck Parts for General Services from Cherokee Truck Equipment based on the unit prices bid.

Councilman Benson asked if there were any questions concerning the purchases. Councilwoman Berz stated as a point of clarification—all of these monies are in the budget; that if the purchase runs over a certain amount of money then it has to come before the Council. She stated that she was not sure we were making this clear at Council meetings. Councilman Benson assured that it would be made clear this evening.

Resolutions (a) and (b) involve grants for brownfields. The first is the old Anchor Glass property and the second involves a Revolving Loan Fund. Both have 20% matches and will occur in the next fiscal year.

Councilman Page noted that these two issues were supposed to be discussed in his Economic Development Committee and asked if they would be brought up again?

Mr. Johnson noted that Frank Wrinn would be present later for committee meeting.

Resolution © authorizing recovering the seats at the Tivoli Theatre was discussed last week.

Resolution (d) involving an allocation from HUD to the Department of Neighborhood Services and Community Development will be discussed later in committee.

Resolution (e) thru (i) are relative to the SLAP Program and other Public Works' issues and were discussed last week in Public Works Committee.

Resolution (j) is a street name change.

AGENDA ITEMS—NOVEMBER 11TH

Ordinance (a) First Reading amends the City Code relative to Streets and Sidewalks and will be discussed in Public Works' Committee next week.

Ordinance (b) amends the City Code relative to Pedal Carriages and Rickshaws. Mr. Johnson stated that he thought this would be deferred; however Attorney Nelson stated that this was part of the original Ordinance that got left out.

Ordinances © through (h) are zoning changes.

Ordinance (i) lifts conditions for Betts Engineering Associates, Inc. and will be discussed next week in Public Works' Committee.

Attorney Nelson stated that there was one late addition that would be an Ordinance next week concerning an Electric Power Board Franchise that was added by Vice-Chairman Benson.

Resolution (a) relating to the Scenic Industries Pilot Project will be discussed later today in committee.

Resolution (b) instituting a cause of action against Dement Const. Co. for damage to property will be discussed in Public Works' committee next week.

Resolution © authorizes an agreement with Jake Marshall, LLC for modifications and corrections to the DRC Center heating, cooling, and ventilation systems in the amount of \$1,100,000.00, plus a contingency in the amount of \$55,000.00 for a total contract amount not to exceed \$1,155,000.00. This is to correct these systems.

Since this was a relatively new building, Councilman Benson asked if there was any recourse?

Mr. Johnson responded that there had been problems since day one; that the system just did not work.

Councilwoman Robinson wanted to know how we came to choose the particular system?

Attorney Nelson stated that it was because it was the low bid.

Mr. Johnson agreed that this system should have never been installed.

Ms. Madison stated that this was a long-term issue and that Public Works had written a letter to the company that installed it, putting them on notice.

Councilwoman Robinson stated that this was a legal question and wanted to know about the statute of limitations.

Attorney Nelson noted that we usually have six years on a contract.

Councilwoman Robinson noted that we put this company on notice within the first one or two years.

Adm. Leach stated that Public Works did do an evaluation and published their findings about 3-4 years ago.

Attorney Nelson wanted to know if we accepted the building? Adm. Leach responded apparently so, since we had been in it.

Resolution (d) accepts a permanent conservation easement from Dean Construction, LLC to be used as part of the South Chickamauga Creek Greenway and authorizing a Deed of Conservation Easement relative to this donation. There is no money involved in this.

Resolution (e) is a street dedication and will be discussed in Public Works' committee next week. This was added by Councilman Rico.

The meeting adjourned at 3:10 P.M.