

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

September 12, 2011—7:00 p.m.

AGENDA

I. INVOCATION

Pastor Robert May from the Oak Ridge Family Bible Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating the week of September 11–17, 2011 as National Direct Support Professionals Week.

A proclamation recognizing September 24, 2011 as National Public Lands Day.

VI. SPECIAL REPORTS

Presentation to City Council from five City Boards and Commissions Representatives to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.

Presentation from City Manager Mark S. Watson on the Manhattan Project National Historical Park: Interpretive History Center.

VII. CONSENT AGENDA

- a. Approval of the minutes of the August 8, 2011 City Council Meeting.
- b. Adoption of a resolution to change the name of the Oak Ridge Entrepreneurial Center located at 1010 Commerce Park Drive to the Oak Ridge Tech Commercialization Center.
- c. Adoption of a resolution authorizing an agreement with First Finish, Inc., Oak Ridge, Tennessee for poured-in-place rubber safety surfacing for Cedar Hill Park Playground in the estimated amount of \$34,150.00.
- d. Adoption of a resolution approving the City's Management-Operations-Maintenance Program as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order.

VIII. RESOLUTIONS

- a. A resolution authorizing the City to enter into a Memorandum of Agreement with the United States Department of Energy to continue the provision of fire protection and emergency response services to the East Tennessee Technology Park through September 30, 2015.

- b. A resolution awarding two contracts (COR 11-14-E2 and COR 11-15-E2) to Improved Technologies Group, LLC, Knoxville, Tennessee, for the rehabilitation of portions of the wastewater collection and transportation system as required for compliance with the U.S. Environmental Protection Agency Administrative Order, said contracts in the grand total estimated amount of \$2,069,335.00.
- c. A resolution awarding a contract (COR 11-18) to Portland Utilities Construction Co., LLC, Portland, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the sewer point repair project in the estimated amount of \$827,610.00.
- d. A resolution to transmit the document entitled *City of Oak Ridge Comments on the Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458)* to the U.S. Department of Energy as the official comments of the City of Oak Ridge.
- e. A resolution to amend the City Attorney's Employment Agreement, as approved by Resolution 2-26-01, to provide for a one-year contract extension and a two percent (2%) salary increase, with the salary increase effective on March 1, 2011.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

X. FINAL ADOPTION OF ORDINANCES

a. Adoption of Ordinances (Second Reading)

(NONE)

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

Council's confirmation and election of the three new hotel/motel members to the Oak Ridge Convention and Visitors Bureau Board of Directors

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. City Manager's Report

Certificate of Achievement for Excellence in Financial Reporting to be awarded to the City of Oak Ridge.

b. City Attorney's Report

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

11-41

DATE: September 2, 2011

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, Acting City Clerk

SUBJECT: PROCLAMATIONS

Direct Support Professionals Week

The accompanying proclamation is presented for the Council's consideration at the request of Emory Valley Center to pay tribute to the direct support profession and to recognize September 11-17, 2011 as National Direct Support Professionals Week. Tony Harper and Will Hardin, Direct Support Professionals, along with Lola Norbury and Jennifer Enderson from the Emory Valley Center will be accepting the proclamation.

National Public Lands Day

The accompanying proclamation is presented for the Council's consideration to recognize September 24, 2011 as National Public Lands Day. Jimmy Groton, Chair of the Environmental Quality Advisory Board (EQAB), will be accepting the proclamation.


Diana R. Stanley

Attachments

PROCLAMATION

WHEREAS, direct support professionals - nurse aides, home health aides, personal attendants, in-home support workers - are the primary providers of publicly funded, long-term support and services for millions of individuals with disabilities; and

WHEREAS, these professionals provide a broad range of support including preparing meals, helping with medications, bathing, dressing, mobility, getting to planned activities, and other general daily affairs; and

WHEREAS, direct support professionals are the key to allowing an individual with disabilities to lead meaningful, productive lives in their community while avoiding more costly institutional care; and

WHEREAS, in 2011, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the decade, and

WHEREAS, there is a documented critical and growing shortage of direct support professionals throughout many communities in Tennessee and the United States; and

WHEREAS, the American Network of Community Options and Resources (ANCOR) launched the National Advocacy Campaign in 2001, to enhance the lives of people with disabilities by obtaining the resources to recruit, train, and retain a sustainable direct support workforce; and

WHEREAS, ANCOR's National Advocacy Campaign is, once again, sponsoring National Direct Support Professionals Week to honor the direct support workforce and to remind the public just how vital this profession is to the prosperity of our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that September 11 – 17, 2011 be proclaimed

NATIONAL DIRECT SUPPORT PROFESSIONALS WEEK

in the City of Oak Ridge, Tennessee, and that all citizens recognize the dedication of direct support professionals in enhancing the lives of individuals with disabilities and the importance of providing opportunities for the professionals to acquire skills, credentials, and advancements in their profession.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 11 – 17 week of September in the year of 2011.



MAYOR

PROCLAMATION

WHEREAS, National Public Lands Day is the nation's largest single-day, volunteer event that promotes the enjoyment and volunteer conservation of public lands while educating Americans about critical environmental and natural resource issues; and

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and

WHEREAS, National Public Lands Day began in 1994 with only three sites and 700 volunteers and has since grown, and in 2010 had an estimated 170,000 volunteers and 2,080 sites across the nation; and

WHEREAS, National Public Lands Day, is co-sponsored by the National Environmental Education Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the Environmental Protection Agency, the National Park Service, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the USDA Forest Service; and

WHEREAS, on Saturday, September 24, 2011, the Tennessee Citizens for Wilderness Planning and the Tennessee Valley Authority (TVA) will celebrate National Public Lands Day at TVA's Worthington Cemetery Cedar Barren Ecological Study Area; and

WHEREAS, volunteers will work to restore the native cedar barren, as well as remove trash and exotic, invasive plants. Volunteers will also have the opportunity to participate in an interpretive walk to discuss the ecology of sensitive cedar barrens and wetlands; and

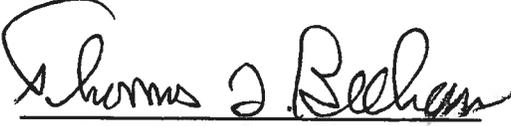
WHEREAS, the Tennessee Citizens for Wilderness Planning (TCWP) has partnered with TVA on stewardship activities at the Worthington Cemetery Cedar Barren for more than 10 years, and since 1966 TCWP has worked to protect sensitive public lands and natural resources throughout East Tennessee.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that September 24, 2011 be proclaimed

NATIONAL PUBLIC LANDS DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to recognize the importance of enhancing and restoring America's public lands and applaud the volunteers for their land conservation efforts in the community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 24th day of September in the year 2011.


MAYOR

SPECIAL REPORTS

CITY CLERK MEMORANDUM

11-42

DATE: September 2, 2011

TO: Honorable Mayor and Members of City Council
Mark S. Watson, City Manager

FROM: Diana R. Stanley, Acting City Clerk

SUBJECT: PRESENTATION FROM BOARDS AND COMMISSIONS REPRESENTATIVES

On February 14, 2011, City Council approved Resolution No. 2-8-11 to simplify the election process for certain boards and commissions by setting all terms of office (with the exception of student members) to commence on January 1, by extending current members' terms of office through to the December 31 following their current term, and by establishing all officers to be elected each January.

A number of City Boards and Commissions will be participating in the end-of-year election to elect new members either due to expiring terms or to fill vacancies. The City Clerk's Office has contacted representatives from those boards and commissions and asked them to make a brief presentation at the September 12, 2011 or October 10, 2011 City Council Meeting.

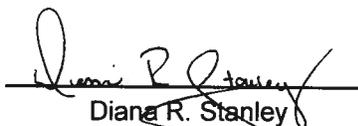
The purpose of said presentation is to afford an opportunity for the public to learn about the structure, purpose, and achievements of City Boards and Commissions from those involved and, in the process, generate interest from those eager to become involved in their community and help to make a positive impact on the City's future.

The following Boards and Commissions Representatives will be speaking at the September 12, 2011 City Council Meeting:

Beer Permit Board
Convention & Visitors Bureau
Elder Citizens Advisory Board
Environmental Quality Advisory Board
Personnel Advisory Board

Randy Tedford, Chair
Katy Brown, Executive Director
David McCoy, Chair
Athanasia Lewis, Staff Representative
Penny Sissom, Staff Representative

More information regarding the election process will be forthcoming.


Diana R. Stanley

CONSENT AGENDA

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

August 8, 2011

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on August 8, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Howard Box, Retired Minister from Unitarian Universalist Church.

PLEDGE OF ALLEGIANCE

David McCoy, Chairman of the Elder Citizens Advisory Board, led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call, the following members of Council were present: Mayor Thomas Beehan; Anne Garcia Garland; L. Charles Hensley; Charles J. Hope, Jr.; D. Jane Miller; and Ellen D. Smith. David N. Mosby was absent.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Diana R. Stanley, Acting City Clerk.

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation paying tribute to Dr. F.G. (Skip) Gosling, U.S. Department of Energy (DOE) Chief Historian.

Councilwoman Smith moved, seconded by Councilman Hensley, that the proclamation be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye." The proclamation was presented to Mr. Gary Hartman, DOE employee and co-worker of Dr. Gosling, who accepted the document in Dr. Gosling's absence.

A presentation of three public recognition plaques, one to the City of Oak Ridge and the other two to City employees, by Mr. Jim Rackstraw, Deputy General Manager, Wackenhut Services, Inc., Oak Ridge, and field committee representative of the Employer Support of the Guard and Reserve (ESGR) Program.

The recipients of the plaque included City Manager Mark Watson on behalf of the City of Oak Ridge, Jack Suggs, Electric Director, and Margaret Elgin, Electric Division Manager as nominated by Ardo Ba, Electric Project Manager, who is an active member of the reserves.

SPECIAL REPORTS

Councilmember Miller reported on the City Attorney Evaluation Procedure as Chair of the City Attorney Evaluation Committee.

Councilmember Smith moved, seconded by Councilmember Hensley, that the Committee's report be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

CONSENT AGENDA

At the request of Councilmember Smith, the following item was removed from the Consent Agenda:

Adoption of a resolution awarding a contract (COR 11-12) to First Place Finish, Oak Ridge, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road in the estimated amount of \$52,770.00

Upon motion of Councilmember Hensley, seconded by Councilmember Miller and carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye," the remainder of the Consent Agenda was approved as presented, thereby:

- Approving of the July 7, 2011 Special City Council Meeting minutes.
- Approving of the July 11, 2011 City Council Meeting minutes.
- Approving of the July 25, 2011 Special City Council Meeting minutes.
- Adopting Resolution 8-74-11 amending Retailer's Permit No. 149, Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike, by removing Suzanne E. Davis, Lloyd C. Davis, and Donald L. Kittrell as individuals having an interest in the business, and adding Catherin D. Pattison so that said permit would be in the names of Patricia B. Gettys and Catherin D. Pattison, and authorizing the Mayor to sign said permit on behalf of the City of Oak Ridge.
- Adopting Resolution 8-75-11 authorizing the Mayor to sign a certificate of compliance for Catherin D. Pattison for the purposes of engaging in the retail sale of alcoholic beverages in the City of Oak Ridge at Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike.
- Adopting Resolution 8-76-11 authorizing the City to submit a grant application to the Tennessee Municipal League Risk Management and accept said grant if approved.
- Adopting Resolution 8-78-11 to accept a grant from the U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership Grant Program in the amount of \$20,758.50, and to authorize the purchase of protective ballistic vests from Protective Apparel Corporation of America (PACA), Jacksboro, Tennessee, in the estimated amount of \$43,177.00.
- Adopting Resolution 8-79-11 to extend the terms of subrecipient agreements CDBG FY10-03, CDBG FY10-04, CDBG FY11-01, CDBG FY11-02 and CDBG-R FY09-11, between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) through December 31, 2011.

Resolution Removed from Consent Agenda

Resolution No. 8-77-11

A resolution awarding a contract (COR 11-12) to First Place Finish, Oak Ridge, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road in the estimated amount of \$52,770.00

Councilmember Smith moved, seconded by Councilmember Hensley, that the resolution be adopted. Steve Byrd, City Engineer, explained the replacement process as well as the funding for the storm drainage project. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

RESOLUTIONS

Resolution No. 8-80-11

A resolution in support of pending federal legislation (S. 1216 and H.R. 2257) to waive the requirement that existing traffic signs meet minimum retroreflectivity standards on or before the compliance date established by the Federal Highway Administration.

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted. After brief deliberation the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-81-11

A resolution authorizing an agreement with Studio Four Design, Inc., Knoxville, Tennessee, for architectural and engineering services for concept, programming, and a feasibility study for the construction of a new Senior Enrichment Center, in the estimated amount of \$15,000.00.

Councilmember Hensley moved, seconded by Councilmember Smith, that the resolution be adopted. City Manager Watson briefly explained the purpose of the feasibility study and the contract, and noted that the study would include an analysis of the existing senior center.

Kerry Trammel, Elder Citizens Advisory Board, 1125 W. Outer Drive, responded to Councilmember Garcia Garland's inquiry about the experience of Studio Four Design with similar facilities. Mr. Trammel commented that Studio Four Design has been involved in three to four other designs of senior centers, including working on an addition to the O'Connor Center.

In response to Councilmember Smith's inquiry about a schedule for the project, Josh Collins, Recreation and Park Department Director, reviewed a time frame and anticipated phases of the senior center concept.

Trina Baughn, 119 Newport Drive, questioned spending more funds on an additional feasibility study for the senior center. She expressed an interest in learning what percentage of Oak Ridge residents currently use the facility or would potentially use the future senior center, and suggested the Civic Center might be an appropriate facility for use by senior citizens.

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-82-11

A resolution authorizing the purchase of two (2) 2012 Ford Explorers from Ford of Murfreesboro for use by the Police Department in the estimated amount of \$46,998.00.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. At the request of Mayor Beehan, Mr. Watson explained that the dealership in Murfreesboro is the holder of the state-wide contract and the volume of vehicles they deal in potentially leads to lower bids than local dealerships. Councilmember Smith inquired about the consideration of fuel-efficient vehicles over SUVs that would be consistent with the Climate Action Plan. Both the City Manager and Police Chief Jim Akagi provided similar explanations for consideration of the SUVs, including improved gas mileage, adequate

storage, the ability of City staff to service the vehicles, consistency with state emergency operation requirements, and the capability to allow the police force to perform traffic stops.

Councilmember Hope recommended that staff provide maintenance reports regarding future vehicle replacement. City Manager Watson discussed presenting a priority report on vehicles during the budget process.

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-83-11

A resolution authorizing the issuance of not to exceed ten million dollars (\$10,000,000) in aggregate principal amount of general obligation bonds, Series 2011 of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds.

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted per staff's recommendation.

Mayor Beehan announced that he wanted to allow full discussion of this resolution before any proposed amendments were made. City Manager Watson began by reporting on the water/wastewater fund and the need to replenish the fund by way of bonds. Mr. Watson indicated that staff favored the 20-year amortization proposal in response to Mayor Beehan's inquiry about staff's recommendation.

The issue was discussed at length and councilmembers presented the following opinions:

Councilmember Smith expressed concern about the structure of the debt models that defer the payments on principal and indicated that she favored a relatively level payment arrangement.

Councilmember Hensley presented his interest in balancing rate increases with the long-term debt. He was supportive of the time value of money concept in regards to the issuance and payment structure of this bond.

Councilmember Garcia Garland expressed her concerns that the diagrams only showed information on interim borrowing and not all borrowing situations that may result due to other water work related issues. She communicated that she wanted the debt to be paid as efficiently, effectively, and as quickly as possible.

Councilmember Hope expressed an interest in evaluating other scenarios for the front load of the debt and working with our lobbyists regarding the EPA situation.

Councilmember Miller commented about the possibility of the EPA mandates being counteracted in the future and how the presented plan favored a conservative approach toward debt.

Mayor Beehan expressed concern about the City's time frame and lack of assistance regarding the EPA mandates. He further indicated that he wanted to be cognizant of rate payers and support staff's recommendation.

Trina Baughn, 119 Newport Drive, commented briefly about evaluating other choices for debt and spoke about forgoing the library expansion and the senior center study labeling these items as "wants" and not "needs." Mayor Beehan clarified that the library expansion study was paid by a grant.

T.J. Garland, 120 Outer Drive, asked a few questions regarding various water/wastewater situations with City Manager Mark Watson and Deputy City Manager Steve Jenkins providing answers. Mayor Beehan commented that more information will be presented to council in the future and the bond issue should be the main focus of discussion.

Councilmember Smith moved, seconded by Councilmember Garcia Garland, to amend the resolution by asking staff to attempt to structure the bond issuance to provide a relatively level pay off scheme. After an extensive deliberation by council and city staff, Councilmember Smith clarified that she was making an amendment to give direction to staff, not to change the language of the resolution; therefore, Councilmember Smith withdrew her motion, which withdrawal was agreed to by Councilmember Garcia Garland as the second on the motion. There was no objection by council for this motion to be withdrawn.

(Rules and Procedures of Oak Ridge City Council, Section IV, Item H, #2)

The resolution, as originally presented to Council, was approved by unanimous electronic vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye." Councilmember Smith moved, seconded by Councilmember Garcia Garland, to direct staff to seek a relatively level pay off structure, and the motion failed by electronic vote with Councilmembers Garcia Garland, Hope, and Smith voting "Aye," and Councilmembers Hensley and Miller and Mayor Beehan voting "Nay."

PUBLIC HEARING AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 12-11

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 1, TITLED "MISCELLANEOUS," SECTION 2-101, TITLED "MEMBERSHIP TO BOARDS AND COMMISSIONS; RESIDENCY REQUIRED," OF THE CODE OF ORDINANCES TO WAIVE THE RESIDENCY REQUIREMENT FOR THREE (3) DESIGNATED LOCAL HOTEL/MOTEL ESTABLISHMENTS' MEMBERSHIP POSITIONS ON THE OAK RIDGE CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS.

Councilmember Miller moved, seconded by Councilmember Hensley, that the ordinance be adopted. After brief deliberation, the ordinance was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Smith, Hope and Mayor Beehan voting "Aye."

Ordinance No. 13-11

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW SECTION 3-104, TITLED "CONTEMPT OF COURT," TO CLARIFY JUDICIAL AUTHORITY TO PUNISH FOR CONTEMPT OF COURT IN CITY COURT AS AUTHORIZED BY TENNESSEE CODE ANNOTATED §16-1-103, §16-18-306, AND §29-9-102, AND CITY CODE §3-206.

Councilmember Hope moved, seconded by Councilmember Miller, that the ordinance be adopted. After brief deliberation, the ordinance was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Smith, Hope and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections / Appointments

(NONE)

Announcements

(NONE)

Scheduling

(NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OF FUTURE BRIEFINGS

Councilmember Hensley commented that he would like to look at an interim way to approach the budget and finance issues that could potentially address policy and the school's budget.

Mayor Beehan suggested allowing the City Manager to take the lead on matters of budget and drafting a structure of a budget for council. The City Manager recommended that budget matters be a part of the discussions during the upcoming Council retreat. Councilmember Smith suggested looking at a new structure for the Audit Committee functions at the retreat as well.

Councilmembers Hensley and Hope supported the idea of joint meetings with council, city staff, and the school board in regards to the budget.

SUMMARY OF CURRENT EVENTS

City Manager's Report

(NONE)

City Attorney's Report

(NONE)

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Acting City Clerk

CITY COUNCIL MEMORANDUM

11-41

DATE: September 2, 2011

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: OAK RIDGE ENTREPRENEURIAL CENTER RENAMING REQUEST

The attached resolution is presented for Council's consideration to approve the renaming of the Oak Ridge Entrepreneurial Center to the Oak Ridge Tech Commercialization Center.

The City of Oak Ridge owns the Oak Ridge Entrepreneurial Center located at 1010 Commerce Park Drive and has an agreement with Technology 20/20 for the management, maintenance, and operation of the small business incubator facility.


Mark S. Watson

ds
Attachment



August 29, 2011

Mr. Mark Watson
Oak Ridge City Manager
Municipal Building
200 South Tulane Avenue
Oak Ridge, TN 37830

Subject: Oak Ridge 1010 Commerce Park Drive Property Renaming Request

Mr. Mark Watson:

We request the City of Oak Ridge grant Tech20/20 permission to rename the City of Oak Ridge property at 1010 Commerce Park Drive to reflect the focus of the campus (1010 and 1020 Commerce Park Drive properties) as the **Oak Ridge Tech Commercialization Center**. As you are aware, Tech20/20 has been under contract with the City of Oak Ridge since 2005 to manage the 1010 property as an Incubator Laboratory to accelerate the number of new tech based companies in Oak Ridge. The Tech20/20 property at 1020 Commerce Park Drive will likewise be so branded providing the City of Oak Ridge a visible and important asset base to advance the entrepreneurial imperative that we all recognize as critical to job growth in the future.

Implementing programs are planned that will accelerate the number of tech-based entrepreneurs and new growth companies spawned from the **Oak Ridge Tech Commercialization Center**. Our focus will be the attraction and education of entrepreneurs skilled in the art of extracting technology from the Laboratories and Universities across our region to launch new growth companies.

We will work with you and the City of Oak Ridge to identify new capital that can be invested in the property to secure our position as the northern anchor to the Pellissippi Parkway. We look forward to continue working with you on this important endeavor.

Sincerely,

Mike Cuddy
President and CEO
Tech20/20
Approved:

Mark Watson
Oak Ridge City Manager

RESOLUTION

A RESOLUTION TO CHANGE THE NAME OF THE OAK RIDGE ENTREPRENEURIAL CENTER LOCATED AT 1010 COMMERCE PARK DRIVE TO THE OAK RIDGE TECH COMMERCIALIZATION CENTER.

WHEREAS, by Resolution 4-43-05, City Council authorized an agreement with Technology 2020 (Tech 2020) for Tech 2020 to manage the City's Oak Ridge Entrepreneurial Center located at 1010 Commerce Park Drive; and

WHEREAS, Tech 2020 has requested permission by the City to officially change the name of the Oak Ridge Entrepreneurial Center to the Oak Ridge Tech Commercialization Center to reflect the focus of the campus; and

WHEREAS, the City Manager recommends approval of the request.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That recommendation of the City Manager is approved and the name of the City-owned building located at 1010 Commerce Park Drive is officially changed from the Oak Ridge Entrepreneurial Center to the Oak Ridge Tech Commercialization Center.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RECREATION AND PARKS MEMORANDUM
11-06

DATE: August 29, 2011
TO: Mark Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: Cedar Hill Playground Rubber Safety Surfacing

The accompanying Resolution awards a contract to First Place Finish, Oak Ridge, Tennessee, for the installation of poured-in-place rubber safety surfacing for the Cedar Hill Park Playground in the estimated amount of \$34,150.00.

The proposed project envisions the installation of approximately 2,230 square feet of poured-in-place rubber safety surfacing at the recently rebuilt Cedar Hill Park Playground. In 1988, the original Cedar Hill Playground was constructed by the community with support from the City of Oak Ridge. Sand was used as safety surfacing at that time. Over time it has been found to provide inferior fall protection and accessibility when compared to other materials, including engineered wood fiber and poured-in-place rubber. In 2010, the decision was made to replace the playground so that it could be brought up to current standards for safety and accessibility. In May of 2011, the community once again came together to build a new playground at Cedar Hill Park. The installation of the poured-in-place rubber was incorporated into the plan developed by playground designer Leather's & Associates, but the installation of a concrete base and the poured-in-place rubber surfacing was not compatible with the five-day community playground building blitz. During the community build the entire area within the playground borders was surfaced with engineered wood fiber (EWF) safety surfacing to provide fall protection for playground users. Engineered wood fiber provides excellent impact attenuation properties, but is difficult for children with disabilities to use when accessing playground equipment. Replacing a portion of the EWF with the solid rubber surfacing will greatly enhance the accessibility of the playground while still meeting impact attenuation standards.

Staff anticipates closing the playground the week of September 26 and re-opening the playground around the middle of October. The actual schedule will be adjusted as required if adverse weather is encountered. The public will be notified of the schedule through press releases, the City website, and postings at the park.

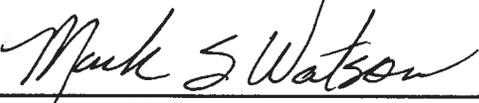
Staff recommends approval of the accompanying Resolution. Funding for the project has been included in the Capital Maintenance Fund for fiscal year 2011 and 2012, designated for accessibility improvements to department facilities.


Josh Collins

Attachment

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark Watson

9/7/2011
Date

RESOLUTION

A RESOLUTION AUTHORIZING AN AGREEMENT WITH FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR POURED-IN-PLACE RUBBER SAFETY SURFACING FOR CEDAR HILL PARK PLAYGROUND IN THE ESTIMATED AMOUNT OF \$34,150.00.

WHEREAS, the City is in need of rubber safety surfacing at Cedar Hill Park Playground to enhance the accessibility of the playground while still meeting impact attenuation standards for fall protection; and

WHEREAS, a Request for Proposals was issued for this project; and

WHEREAS, proposals were received and publicly opened on August 25, 2011, with First Place Finish, Inc., Oak Ridge, Tennessee, submitting the best proposal, which proposal the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into an agreement with First Place Finish, Inc., 127 Rockbridge Greens, Oak Ridge, Tennessee 37830, for the installation of poured-in-place rubber safety surfacing for Cedar Hill Park Playground; said award in strict accordance with the Request for Proposals, the required specifications, and the proposal as submitted and publicly opened on August 25, 2011, and in the estimated amount of \$34,150.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

**PUBLIC WORKS MEMORANDUM
11-22**

DATE: August 31, 2011
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: Management – Operations – Maintenance Programs

The accompanying resolution authorizes the City of Oak Ridge to submit the Management – Operations – Maintenance (MOM) Programs to the U.S. Environmental Protection Agency (EPA) in compliance with Administrative Order (Order) CWA-04-2010-4772.

The Order, received by the City on September 28, 2010, requires the assessment of the Wastewater Collection and Transportation System (WCTS), as well as, the elimination of all Sanitary Sewer Overflows (SSO) from the WCTS and to develop a rigorous and comprehensive program designed to prevent future overflows.

The MOM document is required to include the following key elements:

- Purpose
- Define Goals
- Implementation by Trained Personnel
- Performance Measures
- Procedures for Periodic Review

The MOM document includes the following goals for the programs:

- Comply with each requirement of the Order in a timely manner.
- Adopt an adequate rate structure to fund the MOM programs.
- Evaluate the wastewater system's organizational structure to ensure adequate staffing for an efficient and effective operation, including appropriate training and standard operating procedures.
- Eliminate preventable dry weather overflows due to grease and root blockage by December 31, 2013.
- Reduce wet weather overflows in the Emory Valley Sewer Shed by July 31, 2012.
- Negotiate with the National Nuclear Security Administration (NNSA) to reduce wet weather flow from the Y-12 Federal facility to a manageable level by December 31, 2013.
- Reduce wet weather overflows from the East Plant Sewer Shed by December 31, 2013.
- Initiate a program for the rehabilitation of privately-owned service laterals.
- Develop a public information program to enhance communication of a well operated and maintained sewer system, discuss the capital needs to achieve this, and educate the public on various aspects of system operation and maintenance.

Section IV, Item 16 D of the Order contains an itemized list of the requirements of the MOM Programs, including the following four major areas each containing multiple tasks.

- Information Management System (IMS)
- Engineering Programs
- Pump Station Operation Programs
- Maintenance Programs

By submitting the MOM document, the City is acknowledging to EPA that the MOM Programs will be fully implemented, which includes allocating the necessary resources required. The implementation of the MOM Programs will require additional and/or reassigned personnel and equipment. The additional resources currently planned for implementation of the MOM Programs include:

- Addition of an Office Specialist position in the Public Works Department.
- Review of expanded job responsibilities for three Public Works Department administrative positions and any required salary adjustments.
- Extensive and ongoing use of Computer Services personnel.
- Addition of three positions for pump station maintenance at an estimated annual cost (salary and benefits) of \$144,000.
- Initial purchase of equipment at an estimated cost of \$156,000 for pump station maintenance.
- Addition of a MOM Sewer Crew (6 positions) at an estimated annual cost (salary and benefits) of \$246,000.
- Initial purchase of equipment of the MOM Sewer Crew at an estimated cost of \$381,000.

The Order contains strict deadlines for compliance, with the development and submittal of the MOM being September 28, 2011 for EPA review and approval. Full implementation of the MOM is required within one year of approval.

Staff recommends approval of the accompanying resolution.

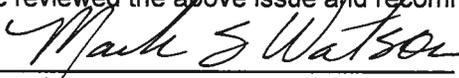


Gary M. Cinder

ks

City Manager's Comments:

I have reviewed the above issue and recommend council action as outlined in this document.



Mark S. Watson

9/7/2011

Date

RESOLUTION

A RESOLUTION APPROVING THE CITY'S MANAGEMENT-OPERATIONS-MAINTENANCE PROGRAM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ADMINISTRATIVE ORDER.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, as part of the Administrative Order, the City is required to develop a Management-Operations-Maintenance (MOM) Program for the wastewater collection and transportation system, which must be approved by City Council prior to submission to the EPA; and

WHEREAS, the purpose of the MOM program is for the City to completely re-evaluate the wastewater collection and transportation system, organizational structure, and manpower needs, and to establish a financial plan to upgrade the system for compliance with the requirements of the Administrative Order; and

WHEREAS, City Staff, in conjunction with Lamar Dunn & Associates, Inc., developed the MOM program, which program the City Manager recommends by approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached Management-Operations-Maintenance Program is hereby approved by City Council for submittal to the U.S. Environmental Protection Agency.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

The Management-Operations-Maintenance (MOM) Program document has not been included as part of the printed agenda packet due to its immense size. The document is available on the City's website at www.oakridgetn.gov as an attachment to the September 12, 2011 Agenda. The public may also contact the City Clerk's Office, the Oak Ridge Public Library, or the Public Works Department to obtain a copy of the MOM Program.

City Councilmembers and City Staff may access the document via Dropbox.

RESOLUTIONS

INTER-DEPARTMENTAL MEMORANDUM
FIRE DEPARTMENT HEADQUARTERS
11-30

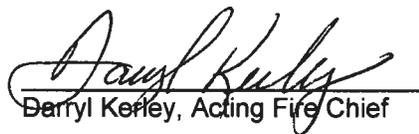
DATE: August 30, 2011
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Acting Fire Chief
SUBJECT: APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF OAK RIDGE AND DEPARTMENT OF ENERGY TO EXTEND FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES AT THE EAST TENNESSEE TECHNOLOGY PARK

An item for the agenda is a resolution approving a Memorandum of Agreement between the City of Oak Ridge and the U.S Department of Energy (DOE) to continue the provision of fire, rescue, ambulance transport and emergency response to the East Tennessee Technology Park (ETTP) through September 30, 2015.

By Resolution 9-92-07, the City entered into a Memorandum of Agreement (MOA-07-165) with DOE that transitioned fire protection and emergency response services at ETTP from DOE's contractor to the City. MOA-07-165 expires on September 30, 2011. DOE has prepared a new Memorandum of Agreement (MOA) to continue fire protection and emergency response services at ETTP through September 30, 2015. The new MOA extends funding for the operation of Fire Station 4 located on the ETTP site and includes funding for the purchase of a new ambulance for the site.

Within the new MOA, there are four line items (Ambulance Operations, Hazardous Materials Operations, Building Maintenance, and Equipment Repairs and Maintenance) which are over-estimated due to the lack of historical data and uncertain economic future. The City and DOE have agreed that any unspent funds from these four line items would be refunded to DOE at the conclusion of the four year operational period.

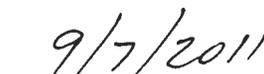
Staff recommends approval of the attached resolution.


Darryl Kerley, Acting Fire Chief

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.


Mark S. Watson, City Manager


Date

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. DEPARTMENT OF ENERGY AND THE
CITY OF OAK RIDGE, TENNESSEE, ON THE
EAST TENNESSEE TECHNOLOGY PARK
FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES**

The parties to this agreement are the United States Department of Energy (DOE) and the City of Oak Ridge, Tennessee (the City). Collectively, DOE and the City shall be referred to as "the Parties."

1.0 BACKGROUND

DOE and the City have historically worked together in good faith to find mutually acceptable solutions to common issues or concerns. A common issue of concern to both parties is how best to provide fire protection and emergency response services for the East Tennessee Technology Park (ETTP) as the site transitions from a DOE Environmental Management (EM) cleanup site to a private business/industrial park. To this end, the Parties entered into a Memorandum of Agreement (MOA-07-165) in September 2007 that transitioned fire protection and emergency response services at the ETTP from the DOE EM contractor to the City. ETTP is currently managed on behalf of DOE by URS CH2M Oak Ridge LLC (UCOR).

2.0 PURPOSE

This Memorandum of Agreement (MOA) is a follow-on agreement to the September 2007 MOA which addressed ETTP fire and emergency response services for fiscal years 2008, 2009, 2010, and 2011. The purpose of this MOA is to continue the provision of specified fire and emergency response services to ETTP by the City for fiscal years 2012, 2013, 2014, and 2015.

3.0 RESPONSIBILITIES FOR ETTP FIRE AND EMERGENCY RESPONSE SERVICES

The City will continue to provide certain fire and emergency response services to ETTP on a 24 hours/day, 7 days/week basis. The City will provide the following services based from the K-1652 facility:

- Fire Response
- Hazmat Emergency Service
- Emergency Medical Response (including transport)
- Emergency Rescue Response
- Pre-Fire Plans for Facilities at ETTP

The services and staffing will be consistent with Option 4 of the Staffing Options Document prepared by the City and presented to DOE on July 25, 2007. A description of this option is included as Attachment A to this MOA.

The City will support and participate in the site emergency drill and exercise program. The designated City incident commander will integrate field response activities with the site Emergency Operations Center. The City will identify a

Memorandum of Agreement

primary point-of-contact to be responsible for coordination of operational issues at the site (Liaison Officer).

It is agreed that the ETTP Fire Station will continue to be fully integrated within the City's structure/system, and that it will be designated as Fire Station #4. Further, integration of the ETTP Fire Station into the City's structure will mean that the assigned staff and equipment will be used for backup when required, and that assistance from other fire stations will be provided to ETTP when necessary. It is also agreed that the mobile equipment transferred to the City will be replaced on the same schedule as equipment assigned to the other City-owned fire stations.

It is agreed that DOE may review performance measures on an annual basis or as mutually agreed by the parties.

DOE/UCOR will continue to provide the following site services:

- Fire alarm monitoring for remaining DOE/UCOR facilities on site.
- Inspection, testing, and maintenance of fire alarms, and sprinkler systems of remaining UCOR/DOE facilities.

In addition, DOE/UCOR will sponsor the security clearances that the City staff will be required to hold until such time that the clearances are no longer required.

4.0 COMPENSATION FOR SERVICES

DOE will compensate the City for the provision of the specified fire and emergency response services to ETTP. DOE anticipates need for these services as long as it has activities at the site requiring fire protection and emergency response services that exceed the level of service normally provided by the City of Oak Ridge Fire Department to all taxpayers. The Parties intend that the annual compensation for provision of the specified services shall be as follows:

FISCAL YEAR	TOTAL COST	LESS RENT	AMOUNT DUE	LESS TAX RELIEF	TOTAL AMOUNT DUE
2012	\$2,629,994	\$201,898	\$2,428,096	\$95,000	\$2,333,096
2013	\$2,671,545	\$201,898	\$2,469,647	\$100,000	\$2,369,647
2014	\$2,713,927	\$201,898	\$2,512,029	\$100,000	\$2,412,029
2015	\$2,757,156	\$201,898	\$2,555,258	\$105,000	\$2,450,258

The annual compensation above (amount due) includes \$240,000 per year in estimated consumable materials. All unused portions of these funds will be deducted from the final year's compensation due in fiscal year (FY) 2015 as a part of the rebate program established for the services which may not be accurately estimated due to the changing economy.

Memorandum of Agreement

Each year will begin on October 1 and end on September 30 of the following calendar year.

The Parties anticipate that UCOR will pay compensation for emergency response services in equal monthly installments, based on the annual budget amount, paid by the 15th of each month.

DOE's obligation under this agreement is subject to, and contingent upon, the availability of appropriated funds. Nothing in this agreement shall be construed as implying that the Congress will, at a later date, appropriate funds sufficient to meet deficiencies.

5.0 LEASE OF SPACE TO UCOR

The Parties recognize that UCOR, in support of its contract with DOE, will require occupancy of certain portions of Building K-1652. The City has leased UCOR the space necessary to accommodate the required occupancy through the end of FY12 with lease options for the remaining years. In general, these areas include the entire second floor, the main office areas of the first floor, the guard force storage area, and the alarm room within Building K-1652. The areas in Building K-1652 that are leased to UCOR will require security clearances in order to gain unescorted access.

The Parties agree that \$201,898 of each year's lease shall be deducted from the compensation for emergency services as shown above in Section 4.0. In consideration for this deduction, all utilities and maintenance to Building K-1652 shall be provided by UCOR with the exception of maintenance in the fire department kitchen, hose tower, breathing air compressor room, training room, commander's office, and emergency vehicle truck bay, for which the City as part of the rental agreement will be responsible. UCOR shall provide janitorial services, including janitorial and restroom supplies for the UCOR/DOE occupied areas of the building. The lease of portions of Building K-1652 to UCOR shall include continued use of the existing furnishings during the lease term.

6.0 APPROVALS

It is understood by the Parties hereto that all agreements, documents, dedications, and acceptances required under this MOA to bind the City shall be subject to the approval of the Oak Ridge City Council and such other city boards and commissions as are required by Tennessee State Law.

It is understood by the Parties hereto that UCOR actions are subject to terms and conditions of UCOR's prime contract with DOE, the direction of DOE, and the adequate provision of funds by DOE to accomplish the required tasks.

Therefore, these agreements are subject to these requirements, obligations, and approvals.

7.0 EFFECTIVE DATE

Memorandum of Agreement

The agreement will be effective on the last date signed by the respective Parties.

8.0 MODIFICATIONS

This agreement may be modified with the mutual consent of the Parties.

9.0 TERMINATION

This agreement may be terminated by either of the Parties by providing a written notice to the other party at least 180 days prior to its effect, or at any time with the mutual consent of both Parties.

12.0 SIGNATURES

United States Department of Energy

By: _____

Title: Manager, Oak Ridge Office

Date: _____

City of Oak Ridge, Tennessee

By: _____

Title: Mayor

Date: _____

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY TO CONTINUE THE PROVISION OF FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES AT THE EAST TENNESSEE TECHNOLOGY PARK THROUGH SEPTEMBER 30, 2015.

WHEREAS, by Resolution 9-92-07, the City entered into a Memorandum of Agreement (MOA-07-165) with the U.S. Department of Energy (DOE) to transition fire protection and emergency response services at the East Tennessee Technology Park (ETTP) from DOE's contractor to the City; and

WHEREAS, MOA-07-165 expires on September 30, 2011; and

WHEREAS, the City and DOE desire to continue the arrangement of the City providing fire protection and emergency response services at ETTP over the next four years, with DOE reimbursing the City for its costs of fire operations at ETTP; and

WHEREAS, the City Manager recommends approval of a memorandum between the parties for such services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a memorandum of agreement with the U.S. Department of Energy (DOE) to continue fire protection and emergency response services at the East Tennessee Technology Park (ETTP); said agreement providing for DOE to reimburse the City's cost of operations at ETTP over the next four years as well as fund the purchase of a new ambulance for use at the site.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

PUBLIC WORKS MEMORANDUM
11-19

DATE: August 25, 2011
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: **Sewer Rehabilitation Project Contract COR 11-14-E2**
Sewer Rehabilitation Project Contract COR 11-15-E3

The accompanying resolution authorizes award of two contracts to Improved Technologies Group, LLC, Knoxville, TN in a total estimated amount of \$2,069,335 for rehabilitation of portions of the City of Oak Ridge Wastewater Collection and Transportation System (WCTS).

Section IV of the Environmental Protection Agency (EPA) Administration Order requires that the City develop a plan for complete remediation of the WCTS with all remediation work to be completed by September 2015. Time is crucial to avoid fines and penalties associated with failure to meet the EPA timeline to complete remediation. With many more projects anticipated and considering the timeframe for design, bidding, approval and construction of each project, staff will be letting projects as soon as the design information from field investigation to becomes available for the various mini-basins and sewer sheds.

The two contracts presented with this memorandum are as follows:

COR 11-14-E2 titled Wastewater System Rehabilitation Program, Emory Valley Sewer Shed, Manhole Rehabilitation, Slip-Lining, Point Repair and Pipe Bursting awarded to Improved Technologies Group, LLC, Knoxville, TN in the estimated amount of \$951,077.50. Repairs in this contract will be generally located on the north side of Emory Valley Road with the northern boundary being Carnegie Road. This contract provides replacement or renewal of approximately 18,000 feet of sanitary sewer line and 168 manholes.

COR 11-15-E3 titled Wastewater System Rehabilitation Program, Emory Valley Sewer Shed, Manhole Rehabilitation, Slip-Lining, Point Repair and Pipe Bursting awarded to Improved Technologies Group, LLC, Knoxville, TN in the estimated amount of \$1,118,257.50. Repairs in this contract will be generally located on the south side of Emory Valley Road with the southern boundary being Claymore Lane. This contract provides replacement or renewal of approximately 11,750 feet of sanitary sewer line and 215 manholes.

Lamar Dunn and Associates, Inc. has reviewed the bids and provided a certified bid tabulation and recommendation letter.

Funding for these contracts is projected to be provided from the recent bond issue. Staff recommends approval of the accompanying resolution as submitted.

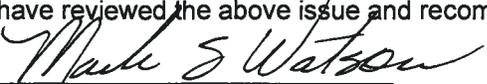


Gary M. Cinder

ks

City Manager's Comments:

I have reviewed the above issue and recommend council action as outlined in this document.



Mark S. Watson

9/7/2011
Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-14-EZ

OPENING DATE: July 28, 2011 2:00 P.M.

FOR ---
Emory Valley Sewer Shed - Manhole Rehabilitation, Slip-Lining, Point Repair,
and Pipe Bursting

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:		BIDDER:	
	ITEM	Length (LF)	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE EMORY VALLEY SEWER SHED MANHOLE REHABILITATION, SLIP-LINING, POINT REPAIR, AND PIPE BURSTING PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 951,077.50	\$ 978,700.00		\$ 1,108,080.00		\$ 1,188,655.00
TOTAL PRICE			\$ 951,077.50	\$ 978,700.00		\$ 1,108,080.00		\$ 1,188,655.00
TERMS			Net 30	Net 30		Net 30		Net 30
DELIVERY			per Contract	per Contract		per Contract		per Contract
F.O.B.			Oak Ridge	Oak Ridge		Oak Ridge		Oak Ridge
VIA			Best Way	Best Way		Best Way		Best Way
OTHER BIDDERS CONTACTED:								
Boatman Construction Company, Inc. - LaVerigne, TN								
Norris Bros Excavating, LLC - Crossville, TN								
ISCO Industries - Hendersonville, TN								
Grapevine Solutions, Inc. - Lenoir City, TN								
American Infrastructure Technologies Corporation - Hanceville, AL								
Ace Pipe Cleaning, Inc. - Kansas City, MO								
REASON FOR AWARD								
ONLY BID RECEIVED								
LOW PRICE								
BETTER OR REQUIRED DESIGN								
EARLY DELIVERY								
LOWEST TOTAL COST								
RECOMMEND AWARD BE MADE TO:								
Improved Technologies Group, LLC 2640 Byington Solway Road Knoxville, TN 37931								
REASON FOR AWARD								
SAK Construction - Palmetto, FL								
Conco Spray Solutions - Indianapolis, IN								
Culy Construction & Excavating, Inc. - Winchester, IN								
Staggs Environmental Construction, Inc. - Leighton, AL								
Morgan Contracting, Inc. - Baker, FL								
AM-Liner East, Inc. - Berryville, VA								
BIDS OPENED AND RECORDED BY---								
<i>David Rose</i> David Rose Purchasing/Inventory Coordinator								
BIDS REVIEWED BY---								
<i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager								

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-15-E2
OPENING DATE: July 28, 2011 2:00 P.M.

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:		BIDDER:	
	ITEM	Length (LF)	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FOR --- Emory Valley Sewer Shed - Manhole Rehabilitation, Slip-Lining, Point Repair, and Pipe Bursting								
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE EMORY VALLEY SEWER SHED MANHOLE REHABILITATION, SLIP-LINING, POINT REPAIR, AND PIPE BURSTING PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 1,118,257.50	\$ 1,175,388.25	\$ 1,247,075.00	\$ 1,355,850.00		
			Net 30	Net 30	Net 30	Net 30		
TOTAL PRICE			per Contract	per Contract	per Contract	per Contract		
TERMS			Oak Ridge	Oak Ridge	Oak Ridge	Oak Ridge		
DELIVERY			Best Way	Best Way	Best Way	Best Way		
F.O.B.								
VIA								
OTHER BIDDERS CONTACTED:	<p>Conco Spray Solutions - Indianapolis, IN Culy Construction & Excavating, Inc. - Winchester, IN Staggs Environmental Construction, Inc. - Leighton, AL Morgan Contracting, Inc. - Baker, FL Triton Services, Inc. - Mason, OH AM-Liner East, Inc. - Berryville, VA</p>							
REASON FOR AWARD	<p>RECOMMEND AWARD BE MADE TO:</p>							
ONLY BID RECEIVED	<p>Improved Technologies Group, LLC 2640 Byington Solway Road Knoxville, TN 37931</p>							
LOW PRICE								
BETTER OR REQUIRED DESIGN								
EARLY DELIVERY								
LOWEST TOTAL COST	X							

BIDS OPENED AND RECORDED BY--
David Rose
David Rose
Purchasing/Inventory Coordinator

BIDS REVIEWED BY--
Lyn Majeski
Lyn Majeski
Accounting Division Manager

RESOLUTION

A RESOLUTION AWARDING TWO CONTRACTS (COR 11-14-E2 AND COR 11-15-E2) TO IMPROVED TECHNOLOGIES GROUP, LLC, KNOXVILLE, TENNESSEE, FOR THE REHABILITATION OF PORTIONS OF THE WASTEWATER COLLECTION AND TRANSPORTATION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACTS IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$2,069,335.00.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, as part of the Administrative Order, the City is required to develop a plan for complete remediation of the Wastewater Collection and Transportation System, with all remediation work to be completed by September 2015; and

WHEREAS, bids were received and publicly opened on July 28, 2011, with Improved Technologies Group, LLC, Knoxville, Tennessee, submitting the lowest and best bid for both contracts, which bids the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and awards are hereby made as follows:

To Improved Technologies Group, LLC, 2640 Byington Solway Road, Knoxville, Tennessee 37931-3213, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the sewer rehabilitation project at the Emory Valley Sewer Shed for the area north of Emory Valley Road; said award in strict accordance with COR 11-14-E2, the required specifications, and the bid as publicly opened on July 28, 2011, and in the estimated amount of \$951,077.50.

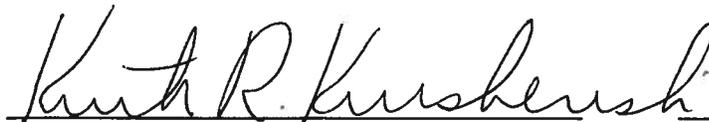
To Improved Technologies Group, LLC, 2640 Byington Solway Road, Knoxville, Tennessee 37931-3213, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the sewer rehabilitation project at the Emory Valley Sewer Shed for the area south of Emory Valley Road; said award in strict accordance with COR 11-15-E2, the required specifications, and the bid as publicly opened on July 28, 2011, and in the estimated amount of \$1,118,257.50.

Said awards in the grand total estimated amount of \$2,069,335.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

**PUBLIC WORKS MEMORANDUM
11-20**

DATE: August 31, 2011
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: **Wastewater System Annual Point Repair Contract COR 11-18**

The accompanying resolution awards contract COR 11-18 to Portland Utilities Construction Co., LLC of Portland TN in the estimated amount of \$827,610 for the construction of sewer line point repairs and miscellaneous other repairs to the City of Oak Ridge Wastewater Collection and Transportation System (WCTS).

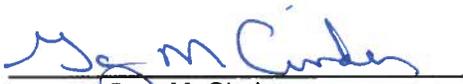
During the normal course of operating and maintaining the WCTS, Public Works personnel clean and inspect portions of the WCTS using Closed Circuit Television (CCTV). These inspections may either be at the direction of the engineering staff for the purpose of gathering information for future rehabilitation contracts, scheduled routine maintenance or as a result of a citizen inquiry.

These inspections often reveal problems or defects in areas where no rehabilitation work is planned or in areas scheduled for work, but due to the severity of the problem a repair cannot be delayed. City personnel perform many of these repairs; however, limited resources and equipment require a contractor to complete some of the work. In cases where failure is imminent or public health and safety are threatened, response must be made in a timely manner.

Because these repairs are of an emergency nature, the location and type cannot be determined in advance. Staff has developed a "menu" of the primary sizes (8-15 inch diameter) and depths (0-20 feet) of pipe and types of repairs that may be needed. However, the contract does not guarantee any quantity of work to the contractor. Previous experience has shown that none, some or the entire budget allotted for this activity may be used. It should be noted that the contract award is based on the entire sum of all of the units in the menu of repairs; however, the amount of work budgeted each year is normally only between \$100,000 and \$150,000.

The recommended contract will expire on June 30, 2012 and includes four one-year renewals with mutual consent of the City and the contractor. Adequate funds will be available in the Waterworks Fund.

Staff recommends approval of the accompanying resolution.

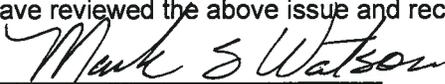


Gary M. Cinder

ks

City Manager's Comments:

I have reviewed the above issue and recommend council action as outlined in this document.



Mark S. Watson

9/7/2011
Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-18
OPENING DATE: August 25, 2011 2:00 P.M.

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:	
	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR SEWER POINT REPAIR PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT Item 1 - Bid Schedule A - Emergency Item 2 - Bid Schedule B - Non-Emergency	1		\$ 479,750.00	\$ 409,124.00		
	2		\$ 347,860.00	\$ 580,194.00		
TOTAL PRICE TERMS DELIVERY F.O.B. VIA			\$ 827,610.00	\$ 989,318.00		
OTHER BIDDERS CONTACTED: C.R. Barger & Sons, Inc. - Harriman, TN Hurst Excavating - Knoxville, TN Adams & Sons, Inc. - Knoxville, TN						
REASON FOR AWARD ONLY BID RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST						
RECOMMEND AWARD BE MADE TO: Portland Utilities Construction Co., LLC 117 Demase Street Portland, TN 37148						
BIDS OPENED AND RECORDED BY:-- Lyn Majeski Accounting Division Manager						
BIDS REVIEWED BY:-- Janice McGinnis Financial Director						
BIDDER: Portland Utilities Construction Co., LLC 117 Demase Street Portland, TN 37148			BIDDER: Norris Bros. Excavating 1007 Rodgers Road Crossville, TN 38572		BIDDER: (Blank)	
TOTAL PRICE TERMS DELIVERY F.O.B. VIA			\$ 827,610.00	\$ 989,318.00		
NET 30 per Contract Oak Ridge Best Way						
NET 30 per Contract Oak Ridge Best Way						
NET 30 per Contract Oak Ridge Best Way						

NUMBER _____

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (COR 11-18) TO PORTLAND UTILITIES CONSTRUCTION CO., LLC, PORTLAND, TENNESSEE, FOR THE FURNISHING OF ALL LABOR, TOOLS, MATERIALS, EQUIPMENT AND SUPPLIES NECESSARY TO PERFORM ALL WORK AND SERVICES FOR THE SEWER POINT REPAIR PROJECT IN THE ESTIMATED AMOUNT OF \$827,610.00.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for the sewer point repair project; and

WHEREAS, bids were received and publicly opened on August 25, 2011, with Portland Utilities Construction Co., LLC, Portland, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby to Portland Utilities Construction Co., LLC, 117 Demase Street, Portland, Tennessee 37148, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the sewer point repair project; said award in strict accordance with COR 11-18, the required specifications, and the bid as publicly opened on August 25, 2011, and in the estimated amount of \$827,610.00,

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

GOVERNMENT AND PUBLIC AFFAIRS MEMORANDUM
11-04

TO: Mark S. Watson
City Manager

FROM: Amy Fitzgerald, Ph.D.
Government and Public Affairs Coordinator

DATE: September 5, 2011

RE: **Resolution Authorizing Submittal of Comments to the U.S. Department of Energy, National Nuclear Security Administration (DOE/NNSA) regarding the draft Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458)**

An item for the September 12th City Council meeting is the adoption of the attached resolution authorizing the transmittal of comments on the subject RFP.

As discussed at the August 22nd work session with City Council, the NNSA is soliciting comments on the draft RFP for the management of several of its facilities, including the Y-12 National Security Complex. The attached memorandum from NNSA dated July 21, 2011 provides additional details regarding the scope.

The RFP and subsequent award of a contract could bring significant changes to the management of the Y-12 complex and to the Oak Ridge community. Thus, it is important for the City to communicate concerns and preferences to the DOE/NNSA

Comments should be e-mailed to Daniel J. Saiz, Contracting Officer, at SEB1@doeal.gov no later than 5:00 p.m. MST, September 19, 2011.

Staff recommends adoption of the resolution.



Amy S. Fitzgerald

Attachments

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson 9/7/11
Date



Department of Energy
National Nuclear Security Administration
Service Center
P. O. Box 5400
Albuquerque, NM 87185



July 21, 2011

Prospective Offerors:

The Department of Energy, National Nuclear Security Administration (DOE/NNSA) is providing this draft Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)" (DE-SOL-0001458) for purposes of obtaining information through communications with industry, thereby assisting DOE/NNSA in improving its RFP as to purpose, content, clarity, correctness, and completeness from the industry perspective.

This solicitation includes two Contract Line Item Numbers (CLINs). CLIN 0001 covers the management and operation of Pantex and Y-12 for the initial five year base with sub-CLINs for three option periods, transition of SRTO, and inclusion of SRTO, respectively. CLIN 0002 covers the project management of the Y-12 Uranium Processing Facility (UPF).

DOE/NNSA will utilize comments to the draft RFP to: (1) determine interest in this solicitation; (2) identify improvements to the RFP; and (3) identify or clarify what may appear to be problems, conflicts, or obstacles for an institution or organization that might otherwise wish to become a potential offeror. Proposals are not requested at this time and will not be considered. The draft RFP includes a Base Term start date of January 1, 2013, for purposes of review. The dates will be adjusted in the final RFP. The comment period for this draft RFP will be from July 21, 2011 through September 19, 2011. The Contractor selected will be a Management and Operating Contractor as defined in Federal Acquisition Regulation Part 17.6 and DOE Acquisition Regulation Part 917.6.

Prospective offerors are requested to examine carefully and provide comment on the entire draft RFP, including:

The feasibility of accomplishing all Transition Term activities specified within Human Resources (Section J, Appendix A, Chapter III, Human Resources).

Whether the inclusion of the SRTO option is an impediment to bidding on this contract.

The inclusion of Y-12 UPF Project Management as a separate CLIN, with a separate fee structure.

Proposal instructions, evaluation criteria, and maximum number of proposal pages.

How the evaluation criteria impacts competition positively or negatively, as NNSA is seeking robust competition.

How the decision concerning the location(s) of the Contractor's home office should be made.

The fee structure for CLIN 0001, including Fixed Fee, range of Total Available Fee, Cost Savings Incentive Fee, and Options for additional term.

Any Contract requirements that are impediments to effective and efficient operations, including obtaining cost savings.

The information being requested does not constitute a commitment on the part of the Government to award a contract, nor to pay for any costs incurred as a result in replying to this notice. This notice should not be construed as a commitment by the Government for any purpose.

The NNSA has established a website at <http://www.doeal.gov/MOCContracts/>, which will be utilized to disseminate information relating to this acquisition. Responders are encouraged to monitor this website because it will be the principal distribution medium for the draft RFP, notices, changes, questions & answers, reading room material, pre-solicitation conference, and one-on-one meetings as well as any other pertinent information. The entire draft RFP will be made available on the Government Point of Entry (GPE) website at <http://www.fedbizopps.gov> and the NNSA website. Paper copies will not be available.

Prospective offerors are requested to submit e-mail questions or comments to Daniel J. Saiz, Contracting Officer, at SEB1@doeal.gov concerning the draft RFP on or before 5:00pm MST, September 19, 2011. Written inputs submitted to this address, on or before this date, relative to this draft RFP will be considered and may be posted to the NNSA website established for this solicitation. The Contracting Officer is the sole point of contact during the conduct of this procurement.

Sincerely,



Daniel J. Saiz
Contracting Officer

Enclosure:
RFP No. DE-SOL-0001458

RESOLUTION

A RESOLUTION TO TRANSMIT THE DOCUMENT ENTITLED *CITY OF OAK RIDGE COMMENTS ON THE REQUEST FOR PROPOSALS (RFP) ENTITLED "MANAGEMENT AND OPERATING CONTRACT OF THE Y-12 NATIONAL SECURITY COMPLEX (Y-12) AND PANTEX PLANT (PANTEX), WITH AN OPTION FOR SAVANNAH RIVER TRITIUM OPERATIONS (SRTO)," (DE-SOL-0001458)* TO THE U.S. DEPARTMENT OF ENERGY AS THE OFFICIAL COMMENTS OF THE CITY OF OAK RIDGE.

WHEREAS, the U.S. Department of Energy (DOE)'s National Nuclear Security Administration (NNSA) owns, and is responsible for the management of the Y-12 National Security Complex (Y-12) located in the corporate limits of the City of Oak Ridge, Tennessee; and

WHEREAS, the NNSA is responsible for maintaining and enhancing the safety, security, reliability, and performance of the U.S. nuclear weapons stockpile; and

WHEREAS, Y-12 has a significant economic impact on the region, with over 4,500 employees and subcontractors; procurements worth millions of dollars annually; and other spin-off activities; and

WHEREAS, the City of Oak Ridge strongly supports the continued operation of Y-12 and its national security mission as a center of excellence for uranium and other special nuclear materials, including the safe and secure storage and processing of uranium; and

WHEREAS, Y-12's highly trained and talented workforce cannot be easily replicated anywhere in the world; and

WHEREAS, the City of Oak Ridge commends the NNSA for its ongoing efforts to improve operating efficiencies, enhance safety and security, and accelerate nuclear weapons dismantlement activities; and

WHEREAS, investments in the modernization of the nuclear weapons complex, including Y-12, will help ensure that vital national security missions are performed in a safe and efficient manner; and

WHEREAS, the NNSA is seeking comments on the draft Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458); and

WHEREAS, the draft RFP includes options related to the management and operation of Y-12, as well as construction and operation of the Uranium Processing Facility (UPF) to be located at Y-12; and

WHEREAS, the City of Oak Ridge desires to officially comment to NNSA on the RFP; and

WHEREAS, the City Manager recommends transmittal of the attached document entitled *City of Oak Ridge Comments on the Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458)* as the official comments of the City of Oak Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached document entitled *City of Oak Ridge Comments on the Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458)* shall be transmitted to the U.S. Department of Energy as the official comments of the City of Oak Ridge.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

City of Oak Ridge Comments on the Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458)

September 12, 2011

The City of Oak Ridge appreciates the opportunity to provide comments on the draft RFP. Because the Y-12 Complex is located in the city limits of Oak Ridge in close proximity to the community, it is vital that NNSA continue to partner with the city, to communicate effectively, and to address concerns in a timely manner. The following comments are submitted for consideration in the preparation of the final RFP.

1. The City of Oak supports efficiencies in the management and operation of the NNSA facilities, including Y-12. However, the City is deeply concerned that combining the management of the Y-12 National Security Complex with facilities located hundreds of miles away is unprecedented and will adversely impact the safety and security of our community.

The federal government's strategy in developing the national weapons complex was to provide geographic distance among its facilities and to employ several different contractors to effectively manage and operation the highly technical, complex, and unique missions performed at each of its sites. Reducing the number of M&O contracts would result in a large, bureaucratic organization that could potentially take years to transition without providing anticipated efficiencies or efficacy. Thus, the City strongly urges NNSA to reconsider its integrated approach and to maintain a separate M&O contractor for the Y-12 complex.

2. Likewise, the City supports maintaining a separate contract for management and operation of the protective force at Y-12. With an international focus on Y-12, it is imperative that personnel are keenly focused on security. It will take a number of years for the security perimeter to be reduced, and until then, it is important from a community standpoint to maintain a contract that helps ensure a strong protective force with a single mission.
3. The City is concerned that the draft RFP does not acknowledge the economic diversification challenges suffered by communities hosting NNSA facilities. The City urges NNSA to demonstrate its commitment to host communities by awarding points in the final RFP to prospective bidders that pledge Community Support with specific economic development projects, investment based on a percentage of fee, and a timeline for accomplishing community investment goals. In addition, the final RFP should recognize the historical mission and significant economic contributions of the "Work for Others" program by awarding points to prospective bidders that will attract activity in this programmatic area.
4. The City urges NNSA to support a requirement in the final RFP for the development and employment of localized, Minority-Owned Businesses and Disadvantaged Businesses.
5. The City urges NNSA to recognize in the final RFP the need to develop a localized workforce. This could be accomplished through a concentrated apprenticeship program targeting necessary skills developed in conjunction with educational institutions, including Oak Ridge High School and Roane State Community College.
6. The City encourages the Y-12 contractor to engage with the community of the recently adopted Climate Action Plan and Bike/Pedestrian Plan. Potential activities could include, but are not limited to the usage of environmentally friendly equipment and vehicles, the development of a system of electric buses to help transport employees to the Y-12 worksite, and the construction of parking and transit facilities in conjunction with City downtown development plans. Such a system

Page Two

City of Oak Ridge Comments on the Request for Proposals (RFP) entitled "Management and Operating Contract of the Y-12 National Security Complex (Y-12) and Pantex Plant (Pantex), with an option for Savannah River Tritium Operations (SRTO)," (DE-SOL-0001458)

September 12, 2011

would provide faster security clearance for workers, and reduction of time delays at the job site.

7. The City encourages NNSA to require its top contractor management team to live in Oak Ridge.
8. Should the NNSA proceed with an integrated contract, the City urges that the headquarters for the M&O contractor be located within the Oak Ridge city limits.

MEMORANDUM

DATE: September 1, 2011

TO: Fellow Members of City Council

FROM: City Attorney Evaluation Committee
Councilmember D. Jane Miller, Chair
Councilmember Anne Garcia Garland
Councilmember L. Charles Hensley

SUBJECT: CITY ATTORNEY EVALUATION REPORT AND RECOMMENDATIONS

The City Attorney Evaluation Committee met on August 31, 2011 to develop its recommendations to City Council based on the completed performance evaluations of the City Attorney. All Committee members were present along with the City Attorney, Kenneth R. Krushenski, and Acting City Clerk, Diana R. Stanley. The Committee reviewed the City Attorney Performance Evaluation Report that was prepared by the City Clerk. A copy of the aforementioned report is attached along with the City Attorney's Employment Agreement.

Following a review and discussion, the Committee voted to recommend:

1. That the City Attorney be awarded a 2% salary increase that is consistent with the raise that all city employees received for FY 2012. The salary increase will be effective to March 1, 2011, the effective date of the City Attorney's contract.
2. That his term of office be extended for one additional year to March 1, 2016.

The attached resolution amends the City Attorney's Employment agreement to extend his term of office by one year and to provide for the recommended salary increase. The Committee recommends its adoption as a measure of compensation for the City Attorney's outstanding performance during the FY 2011 reporting period.


D. Jane Miller, Chair

Attachment

COURTESY AND COMMUNICATION SKILLS

Rate the ability of the City Attorney to inspire, encourage, and facilitate the activities of subordinates and peers to achieve City goals. Consider the degree of ingenuity demonstrated in seeking proactive solutions and assuming responsibility for outcomes, as well as creativity, resourcefulness, and communicating in a manner that inspires confidence or builds support.

NI = Needs Improvement, FME = Fully Meets Expectations, EE = Exceeds Expectations, NA = No observation or too early to tell

Descriptive Statements	Rating				Total	General Comments
	NI	FME	EE	NA		
Is accessible, responsive, considerate and courteous in his interactions with Council.		2	5		7	<ul style="list-style-type: none"> I think Ken is very approachable and he is an absolute gentleman. His interactions are low-key and reserved. Always willing to provide council w/answers Always available and ready to assist.
Provides legal opinions and/or advice in a timely manner.	2	3	2		7	<ul style="list-style-type: none"> NI refers only to those occasions when he seeks external advice. Yes
Creates a sense of trustworthiness.		1	5	1	7	<ul style="list-style-type: none"> I have complete trust in Ken.
Keeps the Council informed about current issues, legal activities, decisions, and goals.		6	1		7	<ul style="list-style-type: none"> The legal updates that Ken provides are very good Maybe Does good job on providing information on complex legal issues.
Communicates well with a wide range of persons, including Councilmembers, citizens, staff, and other attorneys.		7			7	<ul style="list-style-type: none"> I usually have to ask my questions more than once, but I think that is generally typical of lawyers Ken has good relationship with council, staff and others.
List notes or comments that support the overall rating on courtesy and communication skills.						
<ul style="list-style-type: none"> Ken is always available and genuinely eager to be helpful. Lately, Ken has seemed reticent to speak up when he has a concern about the course that Council discussion is taking during a meeting. I appreciate his courtesy, but there have been times when I thought he should have jumped into the discussion sooner. 						

KNOWLEDGE AND ADAPTABILITY

Rate the ability of the City Attorney to prepare and review legal documents, represent the City in all legal matters, and direct the management of all litigation and laws of the City of Oak Ridge, per the Oak Ridge City Charter

NI = Needs Improvement, FME = Fully Meets Expectations, EE = Exceeds Expectations, NA = No observation or too early to tell

Descriptive Statements	Rating				Total	General Comments
	NI	FME	EE	NA		
Demonstrates a thorough knowledge and understanding of municipal law.	1	4	2		7	<ul style="list-style-type: none"> I was surprised to have the city attorney refer a question about the city charter to MTAS. Seems to me the city charter should be an area of the city attorney's expertise. Ken's years of experience are a big plus in his performance Ken keeps up with our legal history and has contacts from all over the region. Ken is always up to date on legal issues that are on the horizon.
Is knowledgeable about City issues and about legal trends that may impact the City.		2	5		7	
Provides advice on ordinance changes, drafting of new ordinances and amendments.		6	1		7	<ul style="list-style-type: none"> I am not sure why, but our legal reviews of ordinance changes appear to focused on format and not content – maybe the advice is given to staff before Council even sees the final documents. I would like Ken to be more proactive in providing suggestions for alternative solutions. Very knowledgeable.
Provides concise, understandable, and helpful legal options and/or advice.		4	1	2	7	<ul style="list-style-type: none"> Sometimes I feel like our legal options are too concise and inflexible. Often information is a window of current status of issues and some background would help for those not involved 24-7 Not easy as issues are complicated.
Demonstrates openness to alternative approaches.	2	5			7	<ul style="list-style-type: none"> Ken is very open to alternate approaches, but usually resorts back to the tried and true (again, may be a good thing for a lawyer to do), I would like Ken to be more proactive in providing suggestions for alternative solutions. As an attorney, they tend to be conservative in most things, we need to be able to try all approaches. Not really a risk taker. But then few attorneys are.
Adjusts rapidly to changes in plans or procedures.		3	2	2	7	<ul style="list-style-type: none"> Our legal office is very stable and it avoids quick decisions. Ken is professional and everything is business.
List notes or comments that support the overall rating on knowledge and adaptability.						

ADMINISTRATIVE SKILLS AND EFFECTIVENESS

Rate the ability of the City Attorney to supervise the administrative affairs of the legal department to include staffing, the management of the department, and the provision of City services.

NI = Needs Improvement, FME = Fully Meets Expectations, EE = Exceeds Expectations, NA = No observation or too early to tell

Descriptive Statements	Rating				Total	General Comments
	NI	FME	EE	NA		
Functions effectively under pressure.		6		1	7	<ul style="list-style-type: none"> Ken gets the job done – he does not appear to acknowledge pressure situations. Seems to be available despite what looks like a huge workload. Often under pressure on certain issues in an effort to comply with the law and also serve the council.
Demonstrates leadership that contributes to achieving the City's goals and objectives.		4	2	1	7	<ul style="list-style-type: none"> Ken is honorable and displays immaculate integrity as the City's lead counsel. I believe he contributes to achieving the City's goals and objectives. Understands big picture and solutions to issues.
Effectively evaluates legal problems and alternatives.		3	3	1	7	<ul style="list-style-type: none"> I would like to see more discussions of alternatives considered. Ken's tenure with the City has given him a vast wealth of knowledge.
Demonstrates effectiveness in avoiding unnecessary legal controversy.		3	3	1	7	<ul style="list-style-type: none"> While Ken is effective in avoiding controversy, I think he often uses a "do nothing" approach to minimize our legal exposure. He does not usually challenge status quo or the system (which I think may sometimes be necessary). Sometimes Ken appears to be too good at this. Many times out of his control and we may need to push on some of the housing issues.
List notes or comments that support the overall rating on administrative skills and effectiveness.						
<ul style="list-style-type: none"> There is no precise category for responding to these questions. (I know, I should have said something in committee but I don't have an alternative either.) I don't think the attorney is supposed to provide leadership. Ken has to walk a narrow fence at times among council and the city manager. As for the last question in this category, I do not personally think avoiding legal controversy is always a good thing. 						

PERSONAL AND PROFESSIONAL QUALITIES

Evaluate the character of the City Attorney, including his integrity, his ethics, his fairness and equity in dealing with employees, City Council and the public, his dedication to professional development, time management, problem solving, and decision-making skills.

NI = Needs Improvement, FME = Fully Meets Expectations, EE = Exceeds Expectations, NA = No observation or too early to tell

Descriptive Statements	Rating				Total	General Comments
	NI	FME	EE	NA		
Maintains high standards of ethics, honesty, and integrity in all personal and professional relationships.			7		7	<ul style="list-style-type: none"> I believe this to be true and have seen no evidence to the contrary. Ken is a facilitator and highly trusted.
Retains your confidence when informing you of risks associated with proposed actions or decisions.		3	4		7	<ul style="list-style-type: none"> I totally trust Ken to be honest and give an unbiased opinion of each situation.
Works toward gaining and maintaining the respect and support of staff.		3	2	2	7	<ul style="list-style-type: none"> I believe that Ken is well liked by the staff and has their support. Ken is highly respected by staff.
List notes or comments that support the overall rating on personal and professional qualities.						
<ul style="list-style-type: none"> I admire Ken's willingness to persist on behalf of citizens who have a difficult time getting useful judgments through the city judge. I like his kindness to everyone. And, apropos of nothing, I would rather spend two hours swapping tales with Ken than anyone else I know in Oak Ridge. 						

ADDITIONAL NARRATIVE – LOOKING AHEAD

<p>What would you identify as the City Attorney's strength(s), expressed in terms of the principal results achieved during the rating period?</p> <ul style="list-style-type: none"> • Ken's strengths are his knowledge of the municipal law, his integrity, and his extensive area contacts. • He is very involved with the Municipal Attorney's association. He is current on Municipal law. • His willingness to work closely with our City Manager • I believe Ken and his staff handle an amazing volume of work for the city so he must be pretty effective at time management and delegation. • Ken's greatest strengths are his honesty and his gentle sense of humor. Honesty – particularly professional integrity – is a critical job qualification. The sense of humor is a valuable trait for working with people and dealing with job stress.
<p>What performance area(s) would you identify as most critical for improvement?</p> <ul style="list-style-type: none"> • Communications • Support of the city housing reform. Needs to be aggressive and innovative and fast. • Always look for alternative approaches • I believe I would have more confidence in Ken if he would take a position himself on charter questions. I did not approve of the MTAS attorney's advice to our charter commission nor do I agree with MTAS' positions on some interpretations of the state constitution. The other thing that bothers me is consulting the attorneys for the group from which the city borrows money on financial legal matters. • Continuous improvement is important in every profession. It is important for the City Attorney to continuously improve his knowledge and awareness of the law affecting municipalities in Tennessee and the potential effects of current legislative proposals and trends.
<p>What constructive suggestions or assistance can you offer the City Attorney to enhance performance?</p> <ul style="list-style-type: none"> • Don't try to anticipate questions. Be more proactive in challenging status quo where the risks are minimal. • I would like to see meetings called periodically to discuss on-going legal issues that the City is involved in with the goal of more awareness for Council of the background of issues and possible alternative scenarios that could be (or could have been) pursued. • I'd like to see Ken become more proactive about identifying, exploring, and recommending possible new legal approaches (for example, solutions that have worked in other cities) to address the city's needs, including new approaches that might require legislative authorization.

What other comments do you have for the City Attorney, e.g. priorities, expectations, goals, or objectives for the new rating period?

- Ken is doing well for the City and I feel that our legal issues are manageable.
- [Other than the comments above,] I believe the attorney's goals and objectives should follow those of the manager and council. And I really hope we eliminate any expectation of the city attorney having a goal to increase the city's income. Undue burden.
- I'd like the City Attorney to work with City IT staff on developing or acquiring a system to allow City Council and city boards to communicate electronically while complying with the requirements of the Tennessee open meetings laws.
- Housing Issues

Please provide recommendations and comments on a possible change in compensation (currently \$102,460.80) and a contract extension beyond the current expiration date of March 1, 2015.

- Ken has done a great job for us and I wish we were in a position to offer more, but I would recommend the same increase as other employees received.
- The current 2% pay raise that all City Employees were given. I would wait at least a year before giving in contract extension
- If his marks are consistent with mine or higher across the council, he should certainly get the same percentage raise as we granted other city employees. I do NOT believe in contract extensions before the final year of ANYONE's contract. No reflection on anyone.
- Same compensation increase as has been provided for other city employees. One-year extension in contract.
- 2% increase and one year contract extension.

EMPLOYMENT AGREEMENT
City Attorney

This is an agreement entered into this 22nd day of February, 2001, between the City of Oak Ridge (the City) by the City Council and Kenneth R. Krushenski (City Attorney) to provide for the employment of Kenneth R. Krushenski as City Attorney of the City of Oak Ridge and to set forth the terms and conditions of his employment and the mutual obligations, rights and duties of each party.

Now, therefore, in consideration of the mutual promises as set forth in this Agreement, the City of Oak Ridge and Kenneth R. Krushenski agree as follows:

Section 1. Duties

City Council agrees to employ Kenneth R. Krushenski as City Attorney of the City of Oak Ridge to perform the functions and duties as specified in the City Charter and the City Code, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. Article III, Section 13 of the Charter of the City of Oak Ridge specifies as follows:

The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party, shall be the prosecuting officer in the City Court, shall advise the Council, City Manager, and other officers and employees of the City concerning legal aspects of the City's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents and shall perform such other duties as may be prescribed by the Council or the City Manager.

The City Attorney shall also be responsible for representing all boards and commissions sanctioned by or established by the City Council. The City Attorney shall be responsible for defending all boards and commissions in all litigation in which the respective board or commission is a party and shall attend meetings of the various boards and commissions if in the discretion of the City Attorney his attendance is necessary.

Section 2. Term

A. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of the City Attorney at any time, subject only to the provisions set forth in Section 5, Paragraphs A and B of this Agreement.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Attorney to resign at any time.

C. Except as otherwise herein stated, this Agreement shall become effective as of March 1, 2001, and shall continue in effect until March 1, 2015, except as provided in Section 2, Paragraph D. (Amended 6/2/03, Resolution No. 6-70-03; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08; 5/18/09, Resolution 5-44-09; 7/12/10, Resolution No. 7-65-10).

City Attorney

D. In order to extend the term of this Agreement, City Council shall take action no later than six months prior to the expiration of the current term . However, upon the request of the City Attorney during this same period, City Council shall make a decision as to whether it desires to extend said Agreement. (Amended 6/3/02, Resolution No. 6-60-02; 5/19/08, Resolution No. 5-45-08)

Section 3. Performance Evaluation

A. No later than July 1st of each year, City Council and the City Attorney shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Attorney. The performance criteria and the goals and objectives will be those that are necessary for the proper operation of the City and the attainment of City Council's policy objectives. The performance criteria and the goals and objectives shall be assigned a relative priority, and shall generally be attainable within the time limitations established and within the annual operating and capital budgets and the appropriations provided. Thereafter, City Council and the City Attorney may modify the performance criteria and the goals and objectives during the annual evaluation process. (Amended 5/19/08, Resolution No. 5-45-08)

B. The first formal evaluation of the City Attorney's performance shall be completed by May 30, 2002. Thereafter, evaluations shall be conducted on an annual basis by May 30th of each year.

Section 4. Code of Ethics

The City Attorney agrees to adhere to the standards of the American Bar Association Code of Professional Responsibility and the City of Oak Ridge Ethics Ordinance, and to conduct himself accordingly. (Amended 5/19/08, Resolution No. 5-45-08)

Section 5. Termination and Severance Pay

A. In the event the City Attorney's employment is terminated by the Council at its will and pleasure during such time that the City Attorney is willing and able to perform his duties under this Agreement, due to Kenneth R. Krushenski's longevity as City Attorney and his consistently high performance during fiscal years 2002 through 2009, the City agrees to pay to Mr. Krushenski a lump sum cash payment equal to nine (9) months' aggregate salary plus any accrued leave and benefits less applicable deductions as required by agreement, law, ordinance or policy for other employees and/or the City Attorney's matching portion of benefits provided for and during said nine (9) months' severance period. At City Council's option, the actual resignation date may be extended through earned and accrued leave balances due the City Attorney then in effect. Provided, however, that in the event the City Attorney is terminated "for just cause," then in such event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph. "Just cause" is defined and limited for the purposes of this Agreement to the following reasons: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) violation of duties by the City Attorney of honesty and sobriety; (4) any other act of a similar nature of the same or greater seriousness. (Amended 5/18/09, Resolution No. 5-44-09)

B. In the event the City at any time reduces the salary or other financial benefits of the City Attorney in a greater percentage than an applicable across-the-board reduction for all City employees, then the City Attorney may at his option be deemed to be "terminated" at the date of such reduction under the terms of Section 5A, with the City Attorney being entitled to the lump sum cash payment as described.

Section 6. Disability

If the City Attorney becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of six (6) successive weeks beyond any accrued leave, the City shall have the option to terminate this Agreement.

Section 7. Salary

A. City agrees to pay the City Attorney for his services rendered pursuant hereto an annual base salary of \$102,460.80, retroactive to February 22, 2009, and payable in installments at the same time as other City employees are paid. (Amended 6/3/02, Resolution No. 6-60-02; 5/18/04, Resolution No. 5-71-04; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08; 5/18/09, Resolution No. 5-44-09).

B. In addition, the City Attorney shall be entitled to longevity payments in the same manner as other City employees and as specified in Article 6 of the Personnel Plan for Employees of the City of Oak Ridge. (Amended 6/19/06, Resolution No. 6-64-06)

C. City agrees to increase said base salary and/or other benefits of the City Attorney in such amounts and to such an extent as the City Council may determine desirable on the basis of the performance evaluation developed as required by Section 3 of this Agreement. Nothing in this paragraph shall require the City to increase the base salary or other benefits of the City Attorney. (Amended 6/19/06, Resolution No. 6-64-06)

Section 8. Hours of Work

A. The City of Oak Ridge requires the full-time service of its City Attorney and, therefore, in the event the City Attorney is not available for his duties, he shall designate the Senior Staff Attorney as his representative to be responsible in his place, and so inform members of City Council when appropriate. (Amended 5/19/08, Resolution No. 5-45-08)

Section 9. Communications Equipment

The City agrees to provide a cellular or digital telephone for the exclusive business and personal use of the City Attorney.

Section 10. Dues and Subscriptions

A. The City agrees to budget and pay the professional dues and subscriptions of the City Attorney for his continuance and full participation in national, regional, state and local associations and organizations as necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

City Attorney

B. The City agrees to budget and pay the Tennessee Professional Privilege Tax and Tennessee Board of Professional Responsibility fees on behalf of the City Attorney.

Section 11. Professional Development

A. The City agrees to budget and to pay the travel and subsistence expenses of the City Attorney for professional and official travel, meetings, and occasions adequate to continue the professional development of the City Attorney and to adequately pursue necessary official and other functions for the City, including but not limited to the Annual Conference of the Tennessee Bar Association, the Tennessee Municipal League, and such other national, regional, state, and local governmental groups and committees thereof which the City Attorney serves as a member.

B. The City also agrees to budget and pay for the travel and subsistence expenses of the City Attorney for short courses, institutes, and seminars that are necessary for his professional development and for the good of the City.

Section 12. General and Emergency Leave

A. The City Attorney shall accrue general and emergency leave in the same manner as other City employees and as specified in Article 11 of the Personnel Ordinance.
(Amended 5/19/08, Resolution No. 5-45-08)

B. As of the date of commencement of the term of employment, the City Attorney shall have credited to his account ten (10) days of sick leave and one hundred twenty (120) hours of annual leave. Thereafter, the City Attorney shall accrue, and have credited to his personal account general leave and emergency leave at the same rate as other employees of the City. The City Attorney shall be entitled to all leave and employee benefit programs granted to all general employees of the City.
(Amended 5/19/08, Resolution No. 5-45-08)

Section 13. Medical, Dental, Disability and Life Insurance Benefits

The City agrees to provide medical, dental, disability, long-term care and life insurance benefits to the City Attorney and to pay the premiums thereon equal to that which is provided all other general employees of the City.
(Amended 5/19/08, Resolution No. 5-45-08)

Section 14. Retirement

The City Attorney shall be immediately covered by the Tennessee Consolidated Retirement System in the same manner as is provided all other general employees of the City.

Section 15. Liability Protection

The City shall provide the same liability protection for the City Attorney as provided for all general employees of the City, as specified in Section 13.4 of the Personnel Ordinance.

Section 16. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Attorney under any law, ordinance or regulation.

Section 17. Residence

The City requires and the City Attorney agrees to maintain his principal residence inside the corporate limits of the City during the term of this Agreement, including any renewals and extensions.

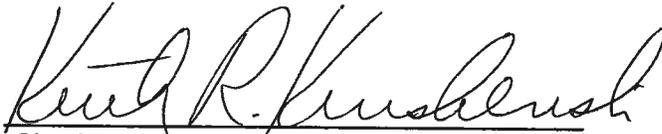
Section 18. General Provisions

A. The text herein shall constitute the entire agreement between the parties.

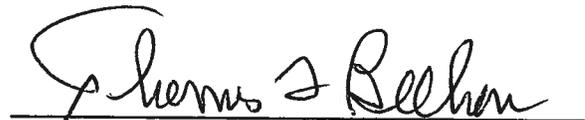
B. If any provisions contained in this Agreement, or portion thereof, are held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE



City Attorney

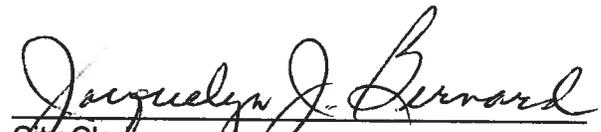


Mayor



City Attorney

ATTEST:



City Clerk

RESOLUTION

A RESOLUTION TO AMEND THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT, AS APPROVED BY RESOLUTION 2-26-01, TO PROVIDE FOR A ONE-YEAR CONTRACT EXTENSION AND A TWO PERCENT (2%) SALARY INCREASE, WITH THE SALARY INCREASE EFFECTIVE ON MARCH 1, 2011.

WHEREAS, Article III, Section 13, of the City Charter provides that City Council shall appoint a City Attorney; and

WHEREAS, by Resolution 2-26-01, City Council entered into an employment agreement in which City Council agreed to employ Kenneth R. Krushenski as the City Attorney; and

WHEREAS, said employment agreement provides that formal evaluations of the City Attorney shall be conducted on an annual basis by May 30th of each year, and to this end City Council appointed a City Attorney Evaluation Committee (the Committee) to develop an evaluation procedure for the FY 2011 term; and

WHEREAS, the Committee has completed its work and based on the evaluation results, recommends that the City Attorney's term of office be extended by one year and that the City Attorney receive a two percent (2%) salary increase, effective March 1, 2011, which is the same percentage salary increase received by City employees for FY2012.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the employment agreement between the City of Oak Ridge and Kenneth R. Krushenski as City Attorney is hereby amended as follows: Section 2, Term, Subsection C, to provide that it shall continue in effect until March 1, 2016, and Section 7, Salary, Subsection A, to provide for a two percent (2%) salary increase for a new annual salary amount \$104,520.00.

BE IT FURTHER RESOLVED that in order to coincide with the salary increases approved for other City employees, the two percent (2%) salary increase shall be effective as of March 1, 2011.

BE IT FURTHER RESOLVED that the report of the City Attorney Evaluation Committee is approved and, pursuant to the terms of the employment agreement, City Council shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Attorney for the 2012 fiscal year.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all necessary legal documents to accomplish the same.

This the 12th day of September 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

ELECTIONS
&
APPOINTMENTS
ANNOUNCEMENTS
SCHEDULING

CITY CLERK MEMORANDUM

11-43

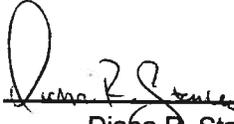
DATE: September 2, 2011
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, Acting City Clerk
SUBJECT: NEW OAK RIDGE CONVENTION & VISITORS BUREAU HOTEL/MOTEL BOARD MEMBERS

On July 7, 2011, City Council approved Resolution No. 7-70-11 to add (3) three new and designated members to the Board of Directors for the Oak Ridge Convention and Visitors Bureau, with two (2) members being the general managers of the top two (2) local hotel/motel establishments based upon the amount of hotel/motel occupancy collections for the prior fiscal year and one (1) member being the general manager of one of the remaining local hotel/motel establishments.

The two members that will be appointed to the Board of Directors for the Oak Ridge Convention and Visitors Bureau (CVB) as the top two (2) lodging establishments are Gretchen Julius, General Manager of DoubleTree by Hilton and Misty Williams, General Manager of Staybridge Suites.

Katy Brown, Executive Director of the CVB, contacted the remaining local lodging establishments regarding participation and had two interested applicants who submitted the necessary paperwork for consideration: Ashley Walden-Richard, General Manager of the Comfort Inn and Oak Ridge National Laboratory Guest House and Adrian Zarczynski, General Manager of the Hampton Inn.

Members of City Council are asked to confirm the two new appointments –Gretchen Julius and Misty Williams—for the Oak Ridge Convention and Visitors Bureau Board of Directors and vote by ballot to determine the final appointment.



Diana R. Stanley

Attachment

**APPOINTMENT
CONFIRMATIONS
FOR CVB**

GRETCHEN A. JULIUS
gjulius@cooperhotels.com

1500 Spring View Drive
Lenoir City, Tennessee 37772

(865) 988-1835

Objective: Position within a company who requires and recognizes well developed leadership and communication skills, demonstrated loyalty, and strong personal drive

Experience

DoubleTree by Hilton Oak Ridge, TN
General Manager March 2010 to Present

- Managed hotel staff of 65+ while controlling all costs to ensure efficiency, guest satisfaction and profitability for the owners
- Executed daily operations according to Hilton & DoubleTree standards
- Coached employees on superior guest satisfaction
- Delegated authority and assigned responsibilities to department heads

DoubleTree by Hilton Oak Ridge, TN
Food & Beverage Director February 1996 to March 2010

- Executed daily operations of Burchfield's restaurant, banquets and lounge according to Hilton & DoubleTree standards
- Compiled and executed the F&B budget to achieve budgeted GOP
- Designed all menus, trained staff, while avidly concentrating on consistency and quality
- Organized and directed worker training programs, resolved personnel problems, hired new staff, and evaluated employee performance

Garden Plaza Hotel Oak Ridge, Tennessee
Banquet & Catering Director January 1994 to February 1996

- Coordinated meeting specifications for all banquets through direct client contact
- Possessed high negotiation skills to maximize profit for the hotel
- Supervised all aspects of meeting on event day

Holiday Inn World's Fair Knoxville, Tennessee
Corporate Sales Manager February 1993 to October 1993

Education: University of Tennessee Knoxville Knoxville, Tennessee
Bachelor of Science in Education 1992

Community: Junior Achievement
Altrusa International of Oak Ridge
Oak Ridge Chamber of Commerce Board of Directors

Affiliations:

References: Available upon request



APPLICATION FORM FOR A CITY BOARD, COMMISSION, OR COMMITTEE

Please return completed application to Diana R. Stanley, Acting City Clerk, P.O. Box 1, Oak Ridge, TN 37831-0001 Fax: 865-425-3409 or email: dstanley@corn.org

BOARD, COMMISSION, OR COMMITTEE DESIRED:

Oak Ridge Convention and Visitor's Bureau (Use a separate application for each appointment desired)

Name: Ms. Mrs. Mr. Misty Williams

Address: 1409 Mountain View Road, Lenoir City TN 37771

Telephone: 865-298-0050 Email: gm.okrsb@www.staybridge.com

Occupation: Hotel Management Retired:

Position: General Manager Staybridge Suites

Do you currently serve on any other City board, commission or committee? If so, please list:

NA

Education, Professional and/or Community Activity (Present): Chamber Member, ET&C

Explain why you are interested in being appointed to this board, commission, or committee: My company, Kusna Hospitality, has a vested interest in the progress of the tourism industry with one open hotel and a new hotel under construction.

Any special knowledge or past experience qualifying you for this appointment: 10 years experience in the hotel industry in Anderson and Knox County

All information provided is public pursuant to the Tennessee Public Information Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency; that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant: Misty Williams Date: 8-21-11

If you wish to provide a resumé or additional information, please attach to this form.

**ELECTION
TO FULFILL
HOTEL/MOTEL
SEAT ON CVB**



APPLICATION FORM FOR A CITY BOARD, COMMISSION, OR COMMITTEE

Please return completed application to Diana R. Stanley, Acting City Clerk, P.O. Box 1, Oak Ridge, TN 37831-0001 Fax: 865-425-3409 or email: dstanley@corn.org

BOARD, COMMISSION, OR COMMITTEE DESIRED:

(Use a separate application for each appointment desired)

Name: Ms. Mrs. Mr. Ashley Walden-Richards
Address: 116 Wakinar Lane
Telephone: 865-312-2342 Email: gm.tn130@gmail.com
Occupation: Hospitality - 21 years Retired: no
Position: General Manager of Comfortel in Oak Ridge / OWR Greenhouse

Do you currently serve on any other City board, commission or committee? If so, please list: no

Education, Professional and/or Community Activity (Present): 2 yrs Walter State, 4 years University of Tennessee, All certifications with Hilton and Choice, Leadership Oakridge currently

Explain why you are interested in being appointed to this board, commission, or committee: I am wanting the hoteliers in Oak Ridge to have a voice to be part of the decision making and growth of Oak Ridge being business is need

Any special knowledge or past experience qualifying you for this appointment: I have 21 years of hospitality/hoteling experience, I am a resident of the growing community,

All information provided is public pursuant to the Tennessee Public Information Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency; that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant: Ashley Richards Date: 08/19/2011

If you wish to provide a resumé or additional information, please attach to this form.

Ashley M. Walden-Richards, CHA

116 Wakeman Lane , Oak Ridge, TN 37830 - 865.

(C) - amw062075@gmail.com

Professional Summary

Client-focused General Manager particularly talented in the areas of hospitality and lodging for 20 years. Well-organized and dependable with excellent leadership skills.

Responsible General Manager with excellent communication skills demonstrated by 20 years of experience providing lodging to satisfied clients.

Skill Highlights

- Extensive experience with hospitality and lodging industry
- Strong communication skills and customer focus.
- Perform well in high-demand, fast-paced environments
- Customer friendly
- Staff motivator
- Inventory control
- Excellent organization and coordinating skills
- Problem resolution
- HR experience including hiring/firing
- Training staff
- Special event catering
- Profit enhancement
- Guest relations
- Fast learning
- Relationship/team building
- Commitment to quality and service
- Committed to 100% client satisfaction
- Strong communication skills
- Back of house operations
- Party planning
- Quality control
- Extensive cash management experience
- Supply ordering and inventory control

Work Experience

Comfort Inn (Paragon Hotel Company)

December 2008 to

General Manager

Oak Ridge, TN

This property is 115 rooms with two meeting facilities. Achieved high customer satisfaction for the past two years. Collaborated with all departments to ensure the delivery of efficient, high-quality service. Consistently recognized by management for providing superior customer service. Enhanced company reputation by volunteering in the community for the past two years also building and repairing the repeat client base. Worked closely with clients and team to produce a positive result. Resolved guest complaints. Consistently received positive feedback from guests on performance reviews. Created repeat business by developing long-term relationships with regular customers. Accountable for all staff development, budgeting and supply ordering. Oversaw almost a million dollar renovation, while still operating the hotel in full capacity.

Hampton Inn On the River (Forge River, LLC)

January 2000 to December 2008

Assistant General Manager

Pigeon Forge, TN

This property is 128 rooms with one meeting facility, indoor/outdoor pool, located in the center of Pigeon Forge. This property during my management exceeded a 2.2 million dollar revenue, with a increase every year. Last year of employment property revenues were 2.8 million. Achieved high customer satisfaction for all 8 years of employment. Collaborated with all departments to ensure the delivery of efficient, high-quality service. Consistently recognized by management for providing

superior customer service. Enhanced company reputation by volunteering in the community for the past two years also building and repairing the repeat client base. Worked closely with clients and team to produce a positive result. Resolved guest complaints. Consistently received positive feedback from guests on performance reviews. Created repeat business by developing long-term relationships with regular customers. Accountable for all staff development, budgeting and supply ordering. Oversaw a complete hotel renovation while still operating in full capacity. I hold every certification available through Hilton except the GM certificate.

Greystone Lodge at the Aquarium

January 1999 to December 2001

Accountant

Gatlinburg, TN

This property is 156 rooms with 6 cottages, located in down town Gatlinburg.

My position was responsible and held accountable for the the following:

- account receivables, account payables
- bank reconciliations of six checking accounts.
- payroll weekly for an average staff of forty employees
- monthly sale taxes for six different sub-companies
- weekly/quarterly payroll taxes
- meeting with corporate accounts monthly for review and filing
- any and all paperwork for new hires and terminated employees
- annual audits
- daily/weekly audits of the front desk bank

Park Vista Resort (Davidson Hotel Company)

January 1996 to December 1999

Lead Night Auditor

Gatlinburg, TN

This property is 315 rooms with 10 banquet rooms, this hotel is a 15 story full service high rise resort in the center of Gatlinburg. During my employment my duties were as follows:

- Ensure all daily paper work balanced from every department (banquets, lounge, restaurant and front desk).
- Completing, balancing and submitting to corporate via fax nightly
- Checking guest in and out of hotel, making reservations
- Assisting the comptroller as needed
- MOD

Education and Training

University of Tennessee

1995

Business-Accounting

BS in Business-Accounting

Knoxville, TN, USA

City of
Oak Ridge
Achieving Excellence

**APPLICATION FORM
FOR A CITY BOARD, COMMISSION, OR COMMITTEE**

Please return completed application to Diana R. Stanley, Acting City Clerk, P.O. Box 1, Oak Ridge, TN 37831-0001
Fax: 865-425-3409 or email: dstanley@cotrn.org

BOARD, COMMISSION, OR COMMITTEE DESIRED:

Hotel board of directors

(Use a separate application for each appointment desired)

Name: Ms. Mrs. Mr. Adrian Zarczynski

Address: 105 Indian Pl. Oak Ridge TN 37830

Telephone: 865-482-7889 Email: adrian.zarczynski@hilton.com

Occupation: Hotel Manager Retired: _____

Position: General Manager Hampton Inn Oak Ridge

Do you currently serve on any other City board, commission or committee? If so, please list:

NO

Education, Professional and/or Community Activity (Present): 11 years hotel industry

experience encompassing positions in revenue management,
sales, customer service and management.

Explain why you are interested in being appointed to this board, commission, or committee:

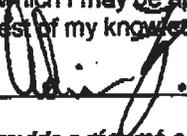
I would like the opportunity to better represent
my industry in the community in which I live.

Any special knowledge or past experience qualifying you for this appointment:

See attached Resume

All information provided is public pursuant to the Tennessee Public Information Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency; that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant:  Date: 9-1-11

If you wish to provide a résumé or additional information, please attach to this form.

Resume of Adrian Zarczynski

Adrian.Zarczynski@Hilton.com

105 Indian Pl

Oak Ridge, TN 37830

(713) 299-6048

PROFESSIONAL EXPERIENCE

October 2008 – Present

General Manager, Hampton Inn Oak Ridge, Tennessee

October 2007 – October 2008

Director of Revenue Manager, Sachchidanand Operations Inc.

Responsibilities include overview of the revenue management for Hampton Inn Oak Ridge, Downtown Knoxville, Comfort Inn Clinton and Days Inn Oak Ridge. Maximizing profitability through implementation of revenue management strategies for each property.

- Collaborated with the General Manager to implement a revenue management strategy.
- Reviewed Star Reports, Key Marketing Reports and Market Share Reports to evaluate trends and position the hotel strategy accordingly.
- Evaluated each properties markets and set rates accordingly to capture the highest market share through REVPAR growth.
- Added the Market Vision report to all hotels to help each property track their comp set rates and revenue management strategies.
- Assisted in the budget process for each hotel in 2008 & 2009.

December 2006 – September 2007

General Manager, Hampton Inn Airport Alcoa, Tennessee

Promoted, managed and coordinated the daily operations of the hotel.

- Increased year over year revenue by 6% and consistently stayed number one or two in our markets REVPAR Index on the Star Report.
- Winner of 6 Outstanding Leadership Awards in Cost Control, REVPAR, ADR and Salt Scores.
- Achieved a score of 98.7% on a Hilton Corp Internal Audit.
- Implemented creative incentive programs to increase salt scores and employee loyalty.
- Created daily operation controls in order to insure cost control and loss prevention.

September 2005 – December 2006

Assistant General Manager, Hampton Inn Hobby Airport Houston, Texas

Ensured excellence in guest service while overseeing Front Office, Guest Services, Housekeeping, Engineering and Daily Operations

- Ensured the adherence to pre-established Hilton standards and policies.
- Conducted weekly staff meeting for all departments to insure efficient operations.
- Collected \$43,000 in past due accounts receivable.
- Assisted in the implementation of a loss prevention program.
- Member of an internal controls committee and participant in several hotel internal and Sarbanes Oxley audits.

CERTIFICATIONS

Hampton Leadership GM Program Certification
Hampton Step Up Sales Certification
Hilton Revenue Management 101 & 201
Hilton Revenue Generation 101 & 201
Hilton Claim Your Pitch Certification

REFERENCES

Michael Berryman
District Manager
Homewood Suites San Antonio, Texas
210-696-5400

Lamica Mackey
General Manager
Holiday Inn Express Clear Lake, Texas
832-385-8080

Pam Rios
Director of Sales
Doubletree Downtown Houston, Texas
832-797-0102

Melissa Cortiness
General Manager
Hampton Inn Alcoa, Tennessee
865-983-1101

- Evaluated each properties markets and set rates accordingly to capture the highest market share through REVPAR growth.
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**SUMMARY
OF
CURRENT EVENTS**

CITY COUNCIL MEMORANDUM

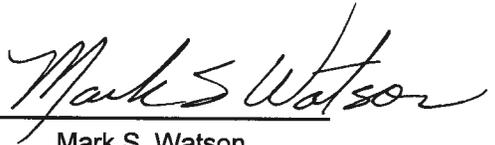
11-42

DATE: September 2, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY TO RECEIVE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The City of Oak Ridge was recently notified that it is the recipient of the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (GFOA) of the United States and Canada for the City's comprehensive annual financial report for fiscal year ending June 30, 2010.

The Certificate of Achievement recognizes Janice McGinnis, Finance Director, for her and her staff's efforts in accomplishing excellence in financial reporting and governmental accounting.

According to the Government Finance Officers Association's records, this is the 50th award for the City of Oak Ridge.


Mark S. Watson

ds
Attachment



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

August 26, 2011

Mark S. Watson
City Manager
City of Oak Ridge
PO Box 1
Oak Ridge TN 37831-0001

Dear Mr. Watson:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2010** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Janice McGinnis
Finance Director

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds