

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, February 6, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:01 p.m. At this time, Chaplain Matthew Barber, Open Door Tabernacle, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, January 16, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin thanked all the City employees who served the community during the recent inclement weather.

At this time, Jeff Dykes, CEO, Johnson City Power Board, made a presentation on the "State of the Johnson City Power Board."

At this time, Mayor Ralph Van Brocklin presented a proclamation in support of Black History Month. Barbara Watterson was present to accept.

Whereas we are a strong and vibrant nation, thanks to the creativity, fortitude, and resilience of people of every race and every background; and

Whereas we owe the study of black history and the celebration of Black History Month to the efforts of Dr. Carter Godwin Woodson, born in 1875 in New Canton, Virginia; and

Whereas the son of former slaves, Woodson was educated at Berea College in Kentucky and earned his bachelor's and master's degrees at the University of Chicago, his Ph.D. at Harvard, and studied at the Sorbonne in Paris, France; and

Whereas in 1915, Woodson founded The Association for the Study of Negro Life and History; and

Whereas in 1926, he initiated the annual observance of Negro History Week in February due to the birthdays of President Abraham Lincoln and Frederick Douglass; and

Whereas the annual event expanded in 1976 into a month-long observance known as Black History Month.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City do hereby proclaim February 2014

BLACK HISTORY MONTH

In Johnson City, Tennessee, and honor those of different races and backgrounds who have brought positive change throughout history and look forward to the progress that unity can bring, not only to our city, but to cities throughout the nation.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 6th day of February, 2014.

/s/ ***Ralph J. Van Brocklin***

Ralph J. Van Brocklin, Mayor

At this time, Chief Mark Sirois and Sergeant Lou Nelson, Johnson City Police Department, presented a Certificate of Advanced Meritorious Accreditation, their seventh law enforcement accreditation award, to the Board of Commissioners.

At this time, Elizabeth Sims, Tupelo Honey Café, addressed the Commission concerning their gift, to the City, of artwork for the east entrance of Founders Park. She introduced Tom Schultz, one of two (2) artists involved in the project. Mr. Schultz addressed the Commission and made a presentation on the artwork design.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That acceptance of a Public Art Gift, from Tupelo Honey Café, for the Founders Park east entrance, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of a presentation reporting activity for 2013 by the Board of Zoning Appeals (BZA) Vice Chair, be and the same is hereby approved.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That rejection of the current application for a Beer License for Mary A. Baldwin, d/b/a Billy Ray's Bar, 3712 West Market Street, Johnson City, Tennessee, listing Mary A. Baldwin as the manager, be and the same is hereby approved. The Police Department recommended denial due to a prior violation of the City's beer ordinance by Ms. Baldwin. The owner will re-apply and designate a different manager.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the re-appointment of Marianne Gubler and the appointment of Sarah Davis to the Public Art Committee, be and the same are hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointment of Jenny Lockmiller to the Board of Zoning Appeals (BZA), be and the same is hereby approved.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointment of Tommy Gasteiger to the Board of Building Codes (BBC), be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the appointments of Cheri Bunker, Stephanie Dickerson, Frank R. Hawkins, Holly L. Booksh, and Donna Andrews Lyon to one (1) year terms; George L. Granger, Rebecca Henderson, Rebecca Hennessee, and Matt Mooney to two (2) year terms; and Christopher Abila, James D. Culp, James R. Hunter and Peter J. Speropulos, Jr. to three (3) year terms on the Senior Services Foundation Board, be and the same are hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner David Tomita abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the pulling of General Items i. and ii., Construction escrow account agreements, from the Consent Agenda for separate consideration, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner David Tomita abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a construction retainage escrow account agreement with Morrystown Roofing Company, Inc. and First Tennessee Bank for the Science Hill High School re-roofing project, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner David Tomita abstained from the vote. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a construction retainage escrow account agreement with HVAC, Inc. and First Tennessee Bank for the Science Hill High School Phase I HVAC upgrades, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion *carried* by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the remainder of the Consent Agenda for February 6, 2014, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. **Finance**

Consider construction retainage escrow account agreement with Morristown Roofing Company, Inc. and First Tennessee Bank in the amount of \$705,320.00

ii. **Finance**

Consider construction retainage escrow account agreement with HVAC, Inc. and First Tennessee Bank in the amount of \$1,293,000.00

iii. **Water & Sewer Services**

Authorization for Mayor to execute contract on Bid #5747 ~
2013 Galvanized Waterline Replacements

iv. **Parks & Recreation**

Consider Beverage Agreement between PEPSICO and the City of Johnson City

v. **Public Works Department**

Consider Contract for Review Appraisal Services with Butler Appraisal Group for the Indian Ridge / State of Franklin Improvement Project in the amount of \$14,800.00

vi. **Public Works Department**

Authorization for Mayor to execute contracts and Notice of Award to Summers-Taylor Inc. on the Lone Oak Road Multipurpose Trail Project

vii. **Administration**

Consider Certificate of Substantial Completion on the Johnson City Juvenile Court Additions / Alterations Project

B. INVOICES:

- i. The TML Pool \$27,042.38
Risk Management ~ Claim Invoice
Funding Source: Insurance Fund Liability Reserves

- ii. Tipton Construction Company \$16,530.00
Water & Sewer Services
Liberty Bell Water Transmission Main ~ Pay Request #3
Funding Source: Water/Sewer Bonds

- iii. Hazen & Sawyer \$7,000.00
Water & Sewer Services
Lower Brush Creek Interceptor Replacement
Funding Source: Water/Sewer Bonds

- iv. Littlejohn Engineering Associates \$4,200.00
Public Works Department
Broadway & Main Street Project
Funding Source: Storm Water Fund

- v. Thomas Construction \$329,460.59
Public Works Department
Founders Park ~ Pay Request #13
Funding Source: Storm Water Bonds

- vi. Lamar Dunn & Associates \$13,365.00
Public Works Department ~ Founders Park Project
Funding Source: Storm Water Bonds

- vii. Lamar Dunn & Associates \$2,080.00
Public Works Department
Storm Water Culvert from Ashe Street to Founders Park
Funding Source: Storm Water Fund

- viii. Gresham, Smith & Partners \$5,796.35
Public Works Department ~ Indian Ridge Project
Funding Source: STP Funds (80% Federal ~ 20% Local-Bonds)

- ix. Gresham, Smith & Partners. \$30,839.86
Public Works Department ~ ITS Project
Funding Source: ITS Funding
(80% Federal ~ 10% State ~ 10% Local-Bonds)

- x. Stansell Electric Company \$121,132.74
Public Works Department ~ ITS Project ~ Pay Request #4
Funding Source: ITS Funding
(80% Federal ~ 10% State ~ 10% Local-Bonds)

- xi. Cannon and Cannon \$2,850.25
Public Works Department
University Parkway / Southwest Avenue Signalization
Funding Source: STP Funds (100% Federal)

- xii. BurWil Construction Company \$30,860.00
Public Works Department
Solid Waste Transfer Station Renovation
Funding Source: Municipal Solid Waste Fund

- xiii. Morristown Roofing Co., Inc. \$61,372.00
Administration **(FINAL PAYMENT)**
South Side & Woodland Elementary Schools Re-Roofing
Funding Source: PEP Bond Issue

- xiv. Beeson, Lusk & Street \$2,294.62
Johnson City Schools **(FINAL PAYMENT)**
South Side & Woodland Elementary Schools Re-Roofing
Funding Source: PEP Bond Issue

- xv. Beeson, Lusk & Street \$900.00
Park & Recreation Department **(FINAL PAYMENT)**
Re-Roofing of Old Fairmont Elementary Gymnasium
Funding Source: Capital Projects Fund

- xvi. Beeson, Lusk & Street \$29,385.00
Johnson City Schools ~ New Kermit Tipton Field House
Funding Source: Capital Projects Fund

- xvii. Burleson Construction Company \$154.25
Johnson City Schools
Science Hill High School HVAC Upgrade
Funding Source: PEP Bond Issue

- xviii. HVAC, Inc. \$14,653.75
Johnson City Schools ~ Pay Request #1
Science Hill High School HVAC Upgrade
Funding Source: PEP Bond Issue

C. **BIDS:**

- i. Rodders and Jets \$161,625.00
 Water & Sewer Services ~ Sewer Inspection Camera Van
 Funding Source: Rate Funded Capital

TABULATION OF BIDS
 CITY OF JOHNSON CITY, TENNESSEE
 OCTOBER 29, 2013
 BID # 5756
SEWER CAMERA VAN -WATER/SEWER

	<u>Unit Price</u>	<u>Van Proposed</u>	<u>Pipe TV Inspection System</u>
Rodders and Jets	\$ 161,625.00	Mercedes-Benz Sprinter	Aries Industries
Southern Municipal Equipment	177,000.00	2014 Mercedes-Benz Sprinter 3500 Diesel	Cues

Decline From: Beaman Automotive, Aries Industries

No Response: Mid-State, Public Works Equipment, Ted Russell, ELXSI, Whiteside Chevrolet, Cherokee Truck, Pearpoint Inc
 Loyalty Mobile, Atlanta Custom Coach, Palfleet Truck, Acme Auto Leasing, Modern Chevrolet

RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE.

- ii. Calgon Carbon Corporation \$69,296.60
 Water & Sewer Services ~ Granular Activated Carbon Installation
 Funding Source: Budgeted Expense

ITB # 5780 WATER/SEWER
GRANULAR ACTIVATED CARBON INSTALLATION

	<u>PRICE (cu/ft)</u>	<u>TOTAL</u>	<u>PRODUCT PROPOSED</u>
United Manufacturing **	40.12	67,562.08	Norit GAC 300 (not available until after May)
Cabot Norit Americas Inc.†	55.575	93,588.30	Norit GAC 300 (not available until after May)
Calgon Carbon	41.15	69,296.60	Calgon Filtrasorb 300M
*Product not available -can't meet insurance.			
*Product not available			
<u>Decline:</u> Bart & Associates, Walyer A. Wood, Momar, Eco-Tech, Inc.			
<u>No Response:</u> Clear Water Consultants, ALTIVIA, Jefferson Sales, General Chemical Performance, Carbochem, Fisher Safety, Prominent Carbon Services, Key Chemical, Gulbrandsen Technologies, Hill Man. AREA, Tech Coat, Diversified Equip., Pool and Electric Products, F2 Industries, PICA USA, Finco Services, Principle Env., Red Bud Supply, Guthrie Sales, S4 Water Sales, Robinson Group,			
RECOMMEND ACCEPTANCE OF LOWEST ACCEPTABLE BID, CIRCLED ABOVE.			

iii. Smoky Mountain Truck Center \$124,771.00

Public Works (Street Division) ~ Single Axle Dump Truck

Funding Source: Capital Equipment Fund

TABULATION OF BIDS
 CITY OF JOHNSON CITY, TENNESSEE
 DECEMBER 30, 2013
ITB #5777
SINGLE AXLE DUMP TRUCK

	<u>UNIT PRICE</u>	<u>Make/Model</u>
Worldwide Equipment	\$129,970.00	2015 Kenworth T470 - Rogers
Worldwide Equipment	138,193.00	2015 Kenworth T470 - R & S
Smoky Moutain Truck Center	132,994.00	2015 Freightliner 108SD - R & S
Smoky Moutain Truck Center	124,771.00	2015 Freightliner 108SD - Rogers
Goodpasture Motor	117,400.90*	2015 International Workstar - Rogers
Landmark International Trucks	107,075.00*	International 7400 - Rogers

*does not meet minimum specifications

Decline: Ted Russell, Penske, Walker Chevrolet, Utility Equipment, Beaman Automotive, TruckPro, MHC

No Response: Empire Ford, Mid-State, Magic City Ford, Volunteer Volvo, Special Fleet Service, Kenworth, Premier Equipment, Lee-Smith, MRT, Freightliner of Knox, Acme Auto, Bonnell Ind., Performance Peterbilt, Alley-Cassetty Truck, Cherokee Truck Tulloch Transport

RECOMMEND ACCEPTANCE OF LOWEST ACCEPTABLE BID, CIRCLED ABOVE

- iii. Interstate Battery \$24,592.64
Fleet Management ~ Automotive Battery Contract
Funding Source: Budgeted Expense

UNITED UTILITIES

ITEM	BCI Group #	DESCRIPTION	QTY	O'Reilly Auto Parts (ea)	Carquest* (ea)	Interstate Battery (ea)	Goodpasture Motors (ea)	Master Battery (ea)	Taylor Battery (ea)	Ken Smith Auto Parts (ea)
1	#U1	12 Volt, 200 CCA	12	36.09	28.69	28.16	30.90	26.00	22.27	38.46
2	#58	12 Volt, 525 CCA	10	78.31	69.99	62.33	62.98	52.00	61.87	62.55
3	#75/86	12 Volt, 550 CCA	18	X	79.09	53.95	83.94	55.00	60.13	66.13
4	#4D	12 Volt, 975 CCA	10	149.11	130.19	130.86	193.28	125.00	125.04	103.88
5	#8D	12 Volt, 1250 CCA	18	180.49	158.89	132.44	146.14	150.00	161.81	139.92
6	#34/78 alternate	12 Volt, 825 CCA	80	106.65	86.09	71.24	91.27	63.00*	84.52	82.23
7	#31P	12 Volt, 800 CCA	20	94.99	90.99	77.86	88.26	70.00*	86.39	73.03
8	#31S	12 Volt, 1000 CCA	65	94.99	98.69	68.36	135.53	72.00	99.02	73.03
9	#65 alternate	12 Volt, 800 CCA	100	98.58	95.89	72.68	90.40	62.00	81.99	83.09
TOTAL				\$ 32,420.25	\$32,420.25	\$ 24,592.64	\$ 33,991.09	\$ 23,092.00	\$ 29,255.96	\$32,420.25

x= no bid

No Bid From: Equipment Sales & Service, Safe-Start

No Response From: Mid-State Equipment, Napa, NEI, TESSCO, Powers Industrial Hardware, Semford Auto Parts, Western VA Truck

*Pricing firm until 8/31/14

*does not meet specs

RECOMMEND ACCEPTANCE OF LOWEST ACCEPTABLE BID, CIRCLED ABOVE. ANNUAL ESTIMATED COST: \$ 24,592.64
THREE YEAR CONTRACT, SUBJECT TO ANNUAL RENEWALS.

- iv. Heavy Duty Lift & Equipment, Inc. \$120,500.00
 Fleet Management ~ Heavy Duty Vehicle Lift
 Funding Source: Capital Equipment Fund

TABULATION OF BIDS
 CITY OF JOHNSON CITY, TENNESSEE
 DECEMBER 5, 2013
BID #R5751 - FLEET MANAGEMENT
VEHICLE LIFTS

	#1 <u>4 POST LIFT</u> (1/ea)	#2 <u>HEAVY DUTY LIFT</u> (1/ea)	#3 Optional Lighting
R Conrad Reese	58,812.00	105,800.00	35,000.00
Heavy Duty Lift & Equipment	39,900.00	115,000.00	\$5,500.00

Decline: The Lilly Co.

No Response: Carquest

D. PROPOSALS:

- i. Geographic Technologies Group \$35,000.00
 GIS ~ Geographic Information System Strategic Plan
 Funding Source: Budgeted Expense (IT ~ Water/Sewer ~ Stormwater)

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4527-14**, "AN ORDINANCE TO REZONE FROM B-2 (CENTRAL BUSINESS) TO B-3 (SUPPORTING CENTRAL BUSINESS) CERTAIN PROPERTY LOCATED AT 500 WEST WALNUT STREET," was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4528-14**, "TRANSFER OF PROPERTY FROM THE TRI-CITIES AIRPORT COMMISSION TO THE TRI-CITIES AIRPORT AUTHORITY," was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4517-13**, "AN ORDINANCE TO AMEND SECTION 17-813 OF THE CITY CODE BY DELETING ALL REFERENCES TO THE "Director of Public Works" AND REPLACING THEM WITH "Director Of Development Services," was ***passed on third reading***. The motion ***carried*** by five ayes. There were no nay votes.

COPY OF ORD 4517-13

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4518-13**, "AN ORDINANCE TO AMEND SECTION 9-901(1) OF THE CITY CODE BY DELETING A PORTION OF THE DEFINITION OF "junk"," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD 4518-13

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, **Ordinance No. 4519-13**, "AN ORDINANCE TO AMEND THE CITY CODE BY DELETING SECTION 13-441," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD 4519-13

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4520-13**, "AN ORDINANCE TO AMEND SECTION 13-103(1)(c) OF THE CITY CODE TO DELETE THE WORD "wheeled" IN REFERENCE TO MOWING WITH MOTORIZED EQUIPMENT," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD 4520-13

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4521-13**, "AN ORDINANCE TO ADD A NEW CHAPTER TO TITLE 12 OF THE JOHNSON CITY CODE TO ESTABLISH A PROPERTY MAINTENANCE BOARD OF APPEALS," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD 4521-13

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4524-13**, "AN ORDINANCE TO REZONE FROM I-1 (LIGHT INDUSTRIAL) TO B-4 (PLANNED ARTERIAL BUSINESS) CERTAIN PROPERTY LOCATED AT 200 HIGH POINT DRIVE," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD 4524-13

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, **Ordinance No. 4525-13**, "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY TO REFLECT THE PLACEMENT OF THE CORRIDOR OVERLAY (CO) DISTRICT ALONG THE BRISTOL HIGHWAY CORRIDOR," was passed on third reading. The motion **carried** by five ayes. There were no nay votes.

COPY OF ORD 4525-13

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **failed** as follows: Commissioners Jeff Banyas and David Tomita voted aye. Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout and Commissioner Jenny Brock voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of proposed changes to Vacation Leave Benefits, be and the same is hereby **denied**. Assistant City Manager Bob Wilson presented the proposed changes to the Vacation Leave Benefits. Commissioners expressed a desire to hold a session on the various components of salaries and benefits compared to other employers.

Upon motion by Commissioner Jenny Brock, seconded by Mayor Ralph Van Brocklin, the following resolution was offered for adoption. The motion **failed** as follows: Mayor Ralph Van Brocklin and Commissioner Jenny Brock voted aye. Vice-Mayor Clayton Stout and Commissioners Jeff Banyas and David Tomita voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That proposed changes to vacation leave benefits, be and the same are hereby **denied**.

Upon motion by Mayor Ralph Van Brocklin, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a resolution authorizing debt service payment for the construction of a new Animal Control Center, be and the same is hereby approved.

At this time, Phil Pindzola, Public Works Director, presented an update on the State of Franklin Road Traffic Calming project.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of an update and action on the bird problem in East Johnson City for two weeks, be and the same is hereby approved.

At this time, City Manager Pete Peterson presented the City Manager's Report.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:31 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Presentation reporting activity for 2013 by the Board of Zoning Appeals (BZA) Vice Chair.
2. Update and action on the bird problem in East Johnson City for two weeks.

ACTION ITEMS:

1. None.