

COMMISSION MEETING MINUTES

APRIL 21, 2016

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, April 21, 2016.

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

Mayor Clayton Stout called the meeting to order at 6:05 p.m.

At this time, Andrew Cox, First Christian Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Ralph Van Brocklin, 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 minutes of the regularly scheduled City Commission Meeting held on Thursday, April 7, 2016, be and the same are hereby approved.

At this time, Brenda Whitson and Gavin Andrew, Chamber of Commerce, made a presentation regarding an anonymous \$1,000 donation to the Fairmont Physical Education Program. Carol McGill, Fairmont Principal, and Derek Murphy, Physical Education Teacher, were present to accept.

At this time, Dr. Robbie Anderson made a presentation regarding the Johnson City Preschool Initiative.

At this time, Mayor Clayton Stout opened the public input session. No one spoke.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Ralph Van Brocklin, 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 beer license for Phybren, Inc., d/b/a Poor Richards Uptown, 1736 West State of Franklin Road, #10, Johnson City, Tennessee, be and the same is hereby approved. Phyllis Taber, applicant, was present.

Upon motion by Commissioner 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 a beer license for Grace, Inc., d/b/a Quick Stop Market, 901 West Market Street, Johnson City, Tennessee, be and the same is hereby approved. Atul Shukla, applicant, was present.

Upon motion by Commissioner Ralph Van Brocklin, 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 a street closing on Sunday, April 24, 2016 from 2:30 p.m. until 5:00 p.m., as requested by Williams Syndrome Association, to accommodate the Williams Syndrome 5K Run/Walk, be and the same is hereby approved. Christina Maiden was present.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor 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 pulling of the consideration of ITB #6022 Freedom Hall Arena Seating Replacement - Steve Ward & Associates, Inc., from the Consent Agenda, be and the same is hereby approved.

Upon motion by Commissioner Ralph Van Brocklin, 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 remainder of the Consent Agenda for April 21, 2016, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

- i. **Parks & Recreation Department: Administration**
Consider second agreement with Tennessee Clean Water Network for the placement of water stations.
- ii. **Fire Department**
Consider approval to apply for the Fire Prevention and Safety Grant.
- iii. **Purchasing Department**
Consider declaring Development Services, Fire Department and Water & Sewer Services vehicles as surplus.
- iv. **Public Works Department**
Consider the Annual State Route Maintenance Contract with the Tennessee Department of Transportation for the maintenance of all state routes in the amount not to exceed \$268,692.75.
- v. **Public Works Department**
Consider the I-26 Annual Mowing and Litter Contract with the Tennessee Department of Transportation for the mowing and litter collection of I-26 in the amount of \$59,580.00.
- vi. **Public Works Department**
Consider the Traffic Calming Device on the 700 Block of East Maple Street.

- vii. **Public Works Department**
Consider the Annual Financial Assurance for the Johnson City Sanitary Landfill Permit No. SNL 90-0120.
- viii. **Water & Sewer Services**
Consider the Material Agreement for Cedar Rock Phase IV.

B. INVOICES:

- i. LDA Engineering\$13,900.00
Public Works Department
Design & Permitting Services - U-Haul, King Creek Basin & Kelly Foods
Funding Source: Stormwater Fund
- ii. Hazen & Sawyer\$23,316.07
Water & Sewer Services
Lower Brush Creek Sanitary Sewer Interceptor Replacement
Funding Source: Water & Sewer Bond Fund
- iii. CDM Smith\$19,318.60
Water & Sewer Services
Brush Creek & Knob Creek Wastewater Treatment Plant Improvements
Funding Source: Water & Sewer Bond Fund
- iv. CDM Smith\$21,722.24
Water & Sewer Services
Brush Creek & Knob Creek Wastewater Treatment Plant Improvements
Funding Source: Water & Sewer Bond Fund
- v. Wiedeman & Singleton.....\$8,780.00
Water & Sewer Services - Task Order #8
Watauga Water Treatment Plant Hypochlorite Disinfection Conversion
Funding Source: Water & Sewer Bond Fund
- vi. Shaw & Shanks Architects, PC.....\$3,253.11
Administration
Freedom Hall Civic Center Arena Seating Replacement
Funding Source: Budgeted Expense
- vii. Beuris Construction Company.....\$2,218.50
Fleet Management - **Final Payment**
Fueling Station Canopy Replacement
Funding Source: Budgeted Expense

C. BIDS

- i. **ITB #6022**
Steve Ward & Associates, Inc.....\$1,424,864.00
Freedom Hall Civic Center
Arena Seating Replacement
Funding Source: Capital Funds

- ii. **ITB #6025**
 Ted Russell Ford & Empire Ford.....\$73,235.00
 Fire Department
 Dual Wheel Extended Cab Truck & Compact SUV
 Funding Source: Capital Equipment Fund

TABULATION OF BIDS
 CITY OF JOHNSON CITY, TENNESSEE
 MARCH 15, 2016 - 2:30 PM
 ITB #6025 TRUCKS AND SUV'S
 VARIOUS DEPARTMENTS
 Ted Russell CDJR of

Item #	QTY	Description	Ford Unit Cost	Columbia Unit Cost	Auto World Unit Cost	Empire Ford Unit Cost
1	1	Dual Wheel Ext. Cab Truck w/ Svc Body (Fire Dept)	<u>\$ 48,990.00</u>	X	\$ 52,372.77	\$ 53,300.00
		Alternate			\$ 57,602.00	
2	2	Compact 4WD Sport Utility Vehicle (Water/Sewer)	X	\$ 24,984.00	\$ 25,318.77	<u>\$ 24,245.00</u>
		Alternate			\$ 28,277.77	
		Alternate			\$ 21,847.22	
3	1	Compact Ext. Cab 2WD Pickup Truck (Water/Sewer)	X	X	\$ 22,154.77	\$ 23,155.00
Optional:		Tool Box	X	X	\$ 436.00	\$ 726.10
		Spray-In Bed Liner	X	X	\$ 325.00	\$ 447.00
		Light Bar	X	X	\$ 1,923.00	\$ 1,220.00
		Towing Package	X	X	\$ 100.00	\$ 1,035.00
4	1	Compact Ext. Cab 4WD Pickup Truck (Water/Sewer)	X	X	\$ 24,378.77	\$ 26,168.00
Optional:		Tool Box	X	X	\$ 436.00	\$ 726.10
		Spray-In Bed Liner	X	X	\$ 325.00	\$ 447.00
		Light Bar	X	X	\$ 1,923.00	\$ 1,220.00
		Towing Package	X	X	\$ 100.00	\$ 1,035.00
5	1	Full Size Ext. Cab 4WD Pickup Truck (Water/Sewer)	<u>\$30,928.00</u>	\$ 26,742.00*	\$ 25,900.85*	\$ 27,983.00
Optional:		Tool Box	Included	\$ 350.00	\$ 436.00	\$ 726.10
		Spray-In Bed Liner	Included	\$ 425.00	\$ 325.00	\$ 447.00
		Light Bar	Included	\$ 675.00	\$ 1,923.00	\$ 1,220.00
		Towing Package	Included	\$ 100.00	\$ 100.00	\$ 1,035.00
6	1	1 Ton 4WD Pickup Truck w/Snow Plow Pkg (Public Works)	\$ 28,590.00	\$ 30,261.00	\$ 30,660.57	<u>\$ 28,485.00</u>
Optional:		Power Windows	\$ 1,050.00	\$ 425.00	\$ 425.00	<u>\$ 808.00</u>
		Spray-In Bed Liner	\$ 475.00	\$ 475.00	\$ 475.00	<u>\$ 447.00</u>

x = no bid *doesn't meet specs

** does not include delivery charges

No Response: Mid-State Equipment Company, Magic City Ford, Friendship Ford, Bill Gatton, Stan McNabbs Dealerships, Randy Marion Automotive, West Chevrolet, Courtesy Chevrolet, Parks Chevrolet, Johnson City Honda, McNelly Whaley Motor Company, Whiteside Chevrolet, Golden Circle Ford, Champion Chevrolet, LaPrade Government Sales, Jacky Jones Central Fleet Sales, SoundOff Signal, Modern Chevrolet, LegacyFord, Nelson Auto Center, Rick Hendrick Chevrolet, Long of Chattanooga, Ford of Murfreesboro, Sam Swope Auto Group, Acme Auto Leasing, Southeastern Fleet, Wade Ford, Chaparral, Johnson City Toyota

RECOMMEND ACCEPTANCE OF LOW BIDS, CIRCLED ABOVE FOR ITEMS: #2, #5 & #6. TOTAL PURCHASE \$ 109,150

- iii. **ITB #6029**
 Superior Mulch Services\$102,300.00
 Public Works Department - Street Division
 Mulch Hauling Services Contract
 Funding Source: Budgeted Expense & Offset by Revenues

TABULATION OF BIDS
 CITY OF JOHNSON CITY, TENNESSEE
 APRIL 6, 2016 - 1:00 PM
 ITB #6029 MULCH HAULING SERVICES CONTRACT
 PUBLIC WORKS/STREET

Vendor	Unit Price (per load)
Superior Mulch Services	\$ 170.50
<i>No Response: Double G Trucking, Huffman Construction, WT Trucking, J A Rose & Son Trucking</i>	
RECOMMEND ACCEPTANCE OF ONLY BID RECEIVED. ESTIMATED ANNUAL COST: \$ 102,300. THREE YEAR CONTRACT, RENEWABLE ANNUALLY.	

D. PURCHASES

- i. A-Z Office Resources.....\$44,551.46
 Johnson City Schools
 Science Hill High School Internet Café Furniture
 Funding Source: School System Fund Balance
- ii. Skyward, Inc.\$37,179.00
 Johnson City Schools
 Annual License Fee
 Funding Source: General Purpose School Fund
- iii. Education Networks of America (ENA) . \$327,000.00
 Johnson City Schools
 Managed Internet & VoIP Services
 Funding Source: GP School Technology & Communication Funds

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor 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 ITB #6022 Freedom Hall Arena Seating Replacement base bid of \$1,212,461.00 from Steve Ward & Associates, Inc., be and the same is hereby approved.

TABULATION OF BIDS
 CITY OF JOHNSON CITY, TENNESSEE
 MARCH 5, 2016 / 3:00 PM
 ITB #6022 ARENA SEATING
 FREEDOM HALL CIVIC CENTER

<u>BIDDER</u>	<u>BID AMOUNT</u>		
VENDOR	Steve Ward & Associates		
License Number:	20873	Base Bid: \$ \$	1,212,461.00
Bid Bond:	Yes	Alt No. 1 \$	142,648.00
Addendums Acknowledged:	Yes	Alt No. 2 \$	50,656.00
		Alt No. 3 \$	19,099.00
VENDOR	Hussey Seating Company		
License Number:	68191	Base Bid: \$ \$	1,344,800.00
Bid Bond:	Yes	Alt No. 1 \$	79,818.00
Addendums Acknowledged:	Yes	Alt No. 2 \$	35,770.00
		Alt No. 3 \$	7,904.00
VENDOR	J.E. Green Company		
License Number:	3827	Base Bid: \$ \$	1,381,000.00
Bid Bond:	Yes	Alt No. 1 \$	142,000.00
Addendums Acknowledged:	Yes	Alt No. 2 \$	68,000.00
		Alt No. 3 \$	18,000.00

Upon motion by Commissioner 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 deduction of \$32,622.00 from ITB #6022 Freedom Hall Arena Seating Replacement for the cup holders (spreadsheet option 9a), be and the same is hereby approved.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the addition to ITB #6022 Freedom Hall Arena Seating Replacement of thick padded seat bottoms for the entire center at a cost of \$222,917.00 (spreadsheet option 8a), be and the same is hereby approved. Seat backs will remain lightly padded back.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the addition to ITB #6022 Freedom Hall Arena Seating Replacement of lightly padded backs and lightly padded bottoms to the telescopic seating, at an additional cost of \$161,747.00 (spreadsheet option 6), be and the same is hereby approved.

Upon motion by Vice-Mayor David Tomita, seconded by Commissioner Ralph Van Brocklin, 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 deduction of \$3,000.00 from ITB #6022 Freedom Hall Arena Seating Replacement for the cup holders in telescopic seating (spreadsheet option 9b), be and the same is hereby approved.

At this time a public hearing was held regarding Ordinance No. 4600-16. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor David Tomita, **Ordinance No. 4600-16**, "AN ORDINANCE TO AMEND ARTICLE VII, SIGN REGULATIONS REGARDING SIGNS IN THE B-2 (CENTRAL BUSINESS DISTRICT) AND THE B-3 (SUPPORTING CENTRAL BUSINESS DISTRICT)," was **passed on second reading**. The motion **carried** by four ayes. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

At this time a public hearing was held regarding Ordinance No. 4601-16. Speaking in support of the ordinance: Mike Studer, State Apiarist, James Wagner, President, Washington County Beekeeper's Association, Doyle Houser, who is involved with several beekeeper groups, Jim Miller, homeowner, Shay King, local grower, Darrell Moore, ETSU, Taylor Malone.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor David Tomita, **Ordinance No. 4601-16**, "AN ORDINANCE TO AMEND ARTICLE II, DEFINITION OF TERMS, AND ARTICLE IV, APPLICATION OF REGULATIONS TO ALLOW THE KEEPING OF HONEYBEES IN ALL DISTRICTS," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Interlocal Agreement between the City of Johnson City and Washington County to support the creation and operation of the Johnson City/Washington County Family Justice Center, be and the same is hereby approved.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Vice-Mayor David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the application for the FY 2016/2017 Victims of Crime Act (VOCA) Grant Program (CFDA 16.575) "Family Justice Center Navigator" by the Johnson City Police Department, serving as administrator of the Johnson City/Washington County Family Justice Center, be and the same is hereby approved.

At this time, Grant Summers addressed the City Commission regarding the justification for preserving the former U-Haul Sign. Craig Torbett presented an update on fundraising efforts by the Johnson City Development Authority.

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

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the plan presented by the Johnson City Development Authority of raising \$38,000.00 to preserve the former U-Haul sign, with the understanding that the U-Haul symbol be removed in a timely manner and, further, that the Commission will approve and have input on the final sign design, be and the same is hereby approved.

At this time, Tom Witherspoon, Director of Water/Sewer, presented the Capital Project Update.

At this time, Phil Pindzola, Public Works Director, presented several alternatives for removing the State Route designation of Main Street. Commissioners asked that staff first explore the possibility of getting State approval to close Main Street during the evening hours on certain days.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor 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 Portland Utilities Construction Co., LLC. and First Tennessee Bank, be and the same is hereby approved.

Upon motion by Commissioner Ralph Van Brocklin, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor 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 Frizzell Construction Company and First Tennessee Bank, be and the same is hereby approved.

At this time, Janet Jennings, Finance Director, presented the Report on Debt Obligation (CT-0253) regarding the bond issue closed on April 12, 2016.

COMMISSION CONCERNS:

1. Commissioners expect to see an update on Legion Street.

There being no further business or discussion, Mayor Clayton Stout adjourned the meeting at 8:59 p.m.

CLAYTON STOUT
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. None.

ACTION ITEMS:

1. Commissioners asked that staff first explore the possibility of getting State approval to close Main Street during the evening hours on certain days before removal of the State Route designation of Main Street.
2. Commissioners expect to see an update on Legion Street.