

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 10, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 10, 2008 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Charles Alworth
Council Members:	Nathaniel Moran
	Donald Sanders
	Ralph Caraway
	Steve Smith
	Chris Simons
City Manager:	Bob Turner
City Manager Designate:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullum
Assistant City Attorney:	Karen Stead
Airport Manager:	Davis Dickson
Budget/Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Director of Neighborhood Services:	Brenda Johnson
Capital /City Projects Coordinator:	Bill Ward
Chief Financial Officer:	Daniel Crawford
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
Interim City Fire Chief:	David Schlottach
City Librarian:	Chris Albertson
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Parks and Recreation:	John Webb
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Fleet Administrator:	Russ Jackson
Housing Service Manager:	Andy Davis
Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Mitch Marable
Manager/Water Utilities Business Office:	Joan Roberson
Municipal Court Administrator:	Cam McCabe
Director of Utilities & Public Works:	Greg Morgan
Street Operations Manager:	Robin Smart
Traffic Engineer:	Kirk Houser
Tyler Transit:	Gary Rushing
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

Sanders out

Motion by Councilman Simons to approve the minutes of the August 13th and August 27th meeting; seconded by Councilman Smith; motion carried 6 - 0 & approved as presented.

September 10, 2008

AWARDS

A-1

Retiree

Neal James Franklin

May 27, 1987 to August 8, 2008

Neal Franklin went to work for the City of Tyler on May 27, 1987 as a Firefighter I, in the Fire Department. Neal promoted to Firefighter II on May 26, 1988, Firefighter III on May 24, 1989, Firefighter IV on May 24, 1993, Fire Investigator on December 9, 1991, Fire Driver/Engineer on September 8, 1995, Fire Captain on February 21, 1999, and appointed Fire Chief on July 9, 2003, the position he held until his retirement on August 8, 2008. We are pleased to present Neal with a Certificate of Retirement for his many years of service with the City of Tyler.

20 Years

Todd K. Johnson

September 15, 1988 to September 15, 2008

Todd K. Johnson went to work for the City of Tyler on September 15, 1988 as a Survey Instrument Operator in the Engineering Department and promoted to Survey Crew Chief on February 22, 1990, and to Engineering Technician on August 9, 1994. Currently, Todd is a Utilities Construction Inspector in the Engineering Department. We are pleased to present Todd with a 20 year service pin for his many years of service with the City of Tyler.

Margaret Carrico

September 22, 1988 to September 22, 2008

Margaret Carrico went to work for the City of Tyler on September 22, 1988 as a Cashier Clerk in the Water Business Office. On October 12, 1988 Margaret promoted to Clerk III, and on May 9, 1990 promoted to Administrative Secretary, in Water Administration. On September 9, 1997 she promoted to Senior Administrative Secretary, in the City Manager's Office. Margaret transferred to the Fire Administration Office on February 6, 2000, the position she now holds. We are pleased to present Margaret with a 20 year service pin for her many years of service with the City of Tyler.

25 years

Robert S. Prather

September 19, 1981 to September 19, 2008

Robert S. Prather went to work for the City of Tyler on September 19, 1981 as a Maintenance Repairman in the Waste Collection Department and promoted to Equipment Mechanic I in the Vehicle Services Department, on September 19, 1983 and to Equipment Mechanic II on August 5, 1991 and on June 1, 2002, Robert promoted to the position he now holds as Equipment Maintenance Supervisor, in the Vehicle Services Department. We are pleased to present Robert with a 25 year service pin for his many years of service with the City of Tyler.

These employees represent over 65 years of service with the City of Tyler.

A-2 New Employees

The following employees were hired by the City of Tyler during the month of August 2008.

September 10, 2008

We would like to take this opportunity to welcome these new employees.

Gloria Godoy	Deputy Court Clerk	Municipal Court
Jarod Pilcher	Residential Equipment Operator	Solid Waste
Melissa Carpenter	Account Specialist	Transit
Elijah Cantrell	Equipment Mechanic II	Vehicle Services
Rufeno Williams	Equipment Operator II	Water Distribution

PRESENTATIONS

- P-1** Request that the City Council receive a presentation from Neighborhood Services Staff regarding the City's Neighborhood Empowerment Works (NEW) 2008 Spring Program. Change rotation among 3 CC districts from every 2 years to 1 year
Sanders present

HEARINGS

- H-1** Request that the City Council consider conducting a public hearing on the proposed fiscal year 2008-2009 Budget and on the proposed property tax rate of \$0.204000 per \$100 of taxable property value. Mayor: budget has \$20 million for streets & infrastructure

Larry Meckley, 401 Sutherland Dr. – Stated that he was challenging the budget and spoke on growth, redevelopment, traffic congestion, and lower tax rate.

- H-2** APPLICATION A08-08-006B NATIONS MS, Limited Liability Company
Request that the City Council conduct a public hearing and consider public input on the proposed annexation of Nations MS, LLC. The proposed annexation area consists of territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, approximately 2.07 acres of land contained in the Thomas Price Survey, A-794, known as Tract 10A.2, located west on Old Jacksonville Highway approximately 420 feet southwest of the intersection of Three Lakes Parkway and Old Jacksonville Highway

Barbara Holly, Director of Planning & Zoning – Stated that this is just the 1st of two mandatory meetings and the next meeting will be a special called meeting on September 17, 2008 at 9:00 am.

RESOLUTION

- R-1** Request that the City Council consider adopting a Resolution ratifying the application for and acceptance of TxDOT Project Grant Agreement No. URB 0901(10) in the amount of \$285,281.00, and including any grant amendments to increase the grant amount for the purpose of providing public transportation for the City of Tyler. (R-2008-19)

Motion by Councilman Simons; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

September 10, 2008

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 to clarify the provisions related to definitions, electrical licenses, examinations, inspections, homeowners' rights and electrical permits. (O-2008-109)**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; motion carried 7 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a wholesale water delivery contract with the City of Whitehouse. ©**

Greg Morgan, Director of Utilities & Public Works – Stated that On October 1, 2008, the City of Tyler Water Utilities (TWU) proposes to enter into a twenty-five year wholesale water supply contract with the City of Whitehouse. This contract establishes the rate and terms under which TWU will supply treated water to Whitehouse.

The previous contract with Whitehouse expired in 2005. That contract was based on a “take or pay” format and included a penalty for purchasing in excess of a specified daily maximum demand, which was standard in the water supply industry when the contract was developed in 1985.

Over the past three years TWU has been negotiating with Whitehouse to develop a more manageable contract based on a monthly demand charge combined with a volumetric rate. The results of these negotiations are similar to the Walnut Grove Water Supply Corporation contract approved in October 2007. There are some differences in the monthly demand charge, the volumetric rate and the maximum day demand, which are customer specific.

The highlights of the attached contract are:

- A monthly demand charge of \$18,056 per month.
- A volumetric rate of \$1.28 per 1000 gallons consumed.
- A maximum delivery demand of 1 million gallons per day.
- A term of twenty-five (25) years, beginning on October 1, 2008 and running through September 30, 2033.
- Establishes a procedure for developing future rate increases based on rate increases to the City of Tyler residential customers plus 1 percent.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to award the construction contract for channel improvements at 624 E. Lake Street to the low bidder, Heartbeat Construction, in the amount of \$66,660.00. ©**

September 10, 2008

Motion by Councilman Simons; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

- M-3 Request that the City Council considering authorizing the City Manager to accept the bid of \$23,400 from Tex-Sand Sports Turf Specialty, Incorporated of Hawkins, Texas, to construct a girls' fast pitch softball field at Faulkner Park.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

- M-4 Request that the City Council consider authorizing the City Manager to issue final payment in the amount of \$519,621.71 to Oncor (formerly TXU Electric Delivery Company) for replacement of three existing lattice towers with five monopole structures associated with the Grande Boulevard, Phase 2 project.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Moran; motion carried 7 - 0 & approved as presented.

- M-5 Request that the City Council consider authorizing the City Manager to issue final payment in the amount of \$58,207.88 to Oncor (formerly TXU Electric Delivery Company) for replacement of 26 existing structures with 17 monopole structures associated with the Grande Boulevard, Phase 2 project.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

- M-6 Request that the City Council consider authorizing the City Manager to award an Oil and Gas Lease on three (3) land tracts totaling 151.815 surface acres located within the physical boundaries of Tyler Landfill.**

Motion by Mayor Pro Tem Alworth to remove from table from last meeting; seconded by Councilman Caraway; motion carried 7 - 0 & removed from table.

Motion by Councilman Moran to award contract to 3-T; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item).

- C-A-1 Request that the City Council consider authorizing the City Manager to purchase thirteen Genesis II Radar units from the low bidder Decatur Electronics, Incorporated, of Decatur, Illinois in the amount of \$20,735.00.**

September 10, 2008

- C-A-2** Request that the City Council consider authorizing the City Manager to purchase ten Whelen Freedom Light Bars from the low bidder, Teletouch Communications, Incorporated, of Tyler, Texas in the amount of \$22,750.00.
- C-A-3** Request that the City Council consider awarding Bid Number 08-056 for Asphalt and Street Materials to the sole bidder, Armor Materials of Tyler, Texas.
- C-A-4** Request that the City Council consider authorizing the City Manger to award Bid Number 08-055 For Sak-Crete Gravel Mix and Portland Cement to the sole bidder Sam R. Hill Lumber Company of Tyler, Texas.
- C-A-5** Request that the City Council consider authorizing the City Manager to award Bid Number 08-057 for Utility Cut Base Repair Material to the low bidder, J & S Sand and Gravel of Tyler, Texas.
- C-A-6** Request that the City Council consider authorizing the City Manager to accept a donation of a training building valued at \$20,000 for the Tyler Police Department Firing Range from the Tyler Police Foundation.
- C-A-7** Request that the City Council consider authorizing the City Manager to award the fiscal year 2008-2009 annual contract for furnishing clay pipe and fittings to Mission Clay Products of San Antonio, Texas.
- C-A-8** Request that the City Council consider authorizing the City Manager to award the fiscal year 2008-2009 annual contract for furnishing ductile iron fittings to Municipal Water Works of Royse City, Texas.
- C-A-9** Request that the City Council consider authorizing the City Manager to award the fiscal year 2008-2009 annual contract for furnishing ductile iron pipe to McWane Cast Iron Pipe Company of Birmingham, Alabama.
- C-A-10** Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company, of Schertz, Texas, for the purchase of water meters, transceiver units and register units during Fiscal Year October 1, 2008 thru September 30, 2009.
- C-A-11** Request that the City Council consider authorizing the City Manager to award the fiscal year 2008-2009 annual contract for furnishing concrete meter boxes and lids to Coburn's Supply of Longview, Texas.
- C-A-12** Request that the City Council consider authorizing the City Manager to extend the annual price agreement with Vincent Graphics & Supply of Tyler, Texas, bid number 07-042 for office furniture and equipment for fiscal 2008-2009.
- C-A-13** Request that the City Council consider authorizing the City Manager to extend bid number 07-043, for one year beginning October 1, 2008 through September 30, 2009,

September 10, 2008

to furnish rented uniforms and floor mats from Aramark Uniform Service, of Tyler, Texas.

C-A-14 Request that the City Council consider authorizing the City Manager to apply for a Humanities Texas grant for the Tyler Public Library in the amount of \$1,432 to present an historical program “Riders on the Orphan Train” and authorize the City Manager to accept the grant and sign all required assurances and contracts related to the award and expenditure of these funds. ©

C-A-15 Request that the City Council consider authorizing the City Manager to purchase an IBM TS3100 Tape Library Model L2U including three year maintenance, a software license and 30 new tapes at a total cost of \$15,663.94 to be used for backup of GIS Data. ©

Motion by Councilman Smith; seconded by Councilman Sanders; motion carried 7 - 0 & approved as presented.

APPOINTMENTS TO BOARDS

B-1 Request that the City Council consider making appointments to various City Boards

AIRPORT ADVISORY BOARD

Councilman Smith made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to reappoint the following board members:

**Douglas G. Shryock
David I. Jones**

Councilman Smith made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint the following board member:

Kelly Walker

BOARD OF ADJUSTMENT

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0 to reappoint the following board member:

John Anthony Traweek

Councilman Moran made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following board members:

**Weldon Reed Jones
James Wes Volberding
David Pierson**

September 10, 2008

Councilman Alworth made the motion; seconded by Councilman Smith; motion carried 7-0 to appoint **Kara Camp** as chairman.

CIVIL SERVICE COMMISSION

Mayor Pro Tem Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following board members:

Joe Lagman
Brenda Balch

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Mayor Pro Tem Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to reappoint the following board members:

Kim Hawkins
Sam Mezayek

Councilman Smith made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following board member:

John Nix

DISABILITY ISSUES REVIEW BOARD

Councilman Alworth made the motion; seconded by Councilman Smith; motion carried 7-0 to reappoint the following board members:

Valerie Holcomb
Jodie Ward

Councilman Caraway made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to appoint the following board members:

Terry A. Borens, Jr.
Judd Quarles
Juanita M. Fletcher
Joshua Mark Hill

HEALTH FACILITIES DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Mayor Pro Tem Alworth made the motion; seconded by Councilman Smith; motion carried 7-0 to reappoint the following board members:

Tim Alexander
Larry D. Bolton
Herbert C. Buie
Blake Stowe

September 10, 2008

Councilman Simons made the motion; seconded by Councilman Caraway; motion carried 7-0 to appoint the following board member:

John Allen Bell

HISTORICAL PRESERVATION BOARD

Mayor Pro Tem Alworth made the motion; seconded by Councilman Caraway; motion carried 7-0 to reappoint the following board members:

**N. Dian Mullins-Floyd
Mary Ruth Greenwell
Kristopher Jason Jennings
George Ann Reed**

INDUSTRIAL DEVELOPMENT CORPORATION

Mayor Pro Tem Alworth made the motion; seconded by Councilman Smith; motion carried 7-0 to appoint the following board member:

Cameron A. Castleberry

KEEP TYLER BEAUTIFUL

Mayor Pro Tem Alworth made the motion; seconded by Councilman Simons; motion carried 7-0 to reappoint the following board members:

**Vicki Rowe
Patricia Parsons
Lonnie Beasley
Eloise E. Muxworthy**

Councilman Simons made the motion; seconded by Councilman Caraway; motion carried 7-0 to appoint the following board members:

**Mrs. James C. Wynne
Cheryl W. Roy**

LIBRARY BOARD

Mayor Pro Tem Alworth made the motion; seconded by Councilman Caraway; motion carried 7-0 to reappoint the following board member:

Ora Adams

Mayor Pro Tem Alworth made the motion; seconded by Councilman Caraway; motion carried 7-0 to appoint the following board members:

September 10, 2008

**Shirley Gardner
Gail McGlothlin**

Councilman Moran made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to delegating pointing a chairman to the Library Board.

NEIGHBORHOOD REVITALIZATION BOARD

Councilman Smith made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to appoint the following board member:

Stephen Mills

NORTHEAST TEXAS PUBLIC HEALTH DISTRICT

Councilman Sanders made the motion; seconded by Councilman Caraway; motion carried 7-0 to appoint the following board member:

Otis Webster

PARK BOARD

Councilman Moran made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to appoint the following board members:

**Walter Wilhelmi
Helen Israel
Bill Keldorf
Amy Woldert**

PLANNING AND ZONING BOARD

Councilman Simons made the motion; seconded by Councilman Sanders; motion carried 7-0 to reappoint the following board members:

**Loretta Keldorf
David Hudson**

Councilman Caraway made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint the following board member:

Eleno Licea

TRAFFIC SAFETY BOARD

Councilman Simons made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to reappoint the following board member:

Andy Guinn

September 10, 2008

Councilman Simons made the motion; seconded by Mayor Pro Tem Alworth; motion carried 7-0 to appoint the following board members:

**David Archer
Gaylon W. Mason
Gary W. Cross**

Mayor Pro Tem Alworth made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint **George Willingham** as chairman.

TYLER ONE HALF CENT SALES TAX CORPORATION BOARD OF DIRECTORS

Councilman Moran made the motion; seconded by Councilman Smith; motion carried 7-0 to appoint the following board member:

Lori Ellis

CITY MANAGER'S REPORT

- 1. Festival on Square, Sat 9-13-08, 10-5 & evening – Midnight**
- 2. Fire Station #10 Grand Opening Thursday -9-18, 5:30 -8:00**
- 3. SW bulk item pick up 9/29/08 thru 10/10/08**
- 4. Special Recognitions – Hurricane Gustav**

RECESS FOR EXECUTIVE SESSION

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

-under section 551.074 “Personnel matters” deliberation regarding the following:

Consider a contract including evaluation and compensation of the City Manager.

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth to approve contract with Mark McDaniel as City Manager at a salary of \$175,000 effective 1-1-2009 and benefits will be paid by Mark McDaniel; passed 7:0.

ADJOURNMENT

Motion by Councilman Moran; seconded by Councilman Sanders; motion carried 7- 0 & meeting adjourned at 10:57 am.

**BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:

CASSANDRA BRAGER, CITY CLERK