

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
October 8, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 8, 2008 at 10:00 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(**absent**)
Ralph Caraway (**absent**)
Steve Smith (**absent**)
Chris Simons

City Manager: Bob Turner
City Manager Designate: Mark McDaniel
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Budget/Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Carter Delleney
City Librarian: Chris Albertson
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Municipal Court Administrator: Cam McCabe
Tyler Transit: Gary Rushing
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Moran.

Motion by Mayor Pro Tem Alworth to approve the minutes for the September 10th, September 17th (special called meeting); and September 24, 2008 meeting; seconded by Councilman Moran; motion carried 4 - 0 & approved as presented.

AWARDS

A-1 Services Awards

Retirees

Linda D. Brown

August 27, 2001 to September 12, 2008

Linda D. Brown went to work for the City of Tyler, on August 27, 2001, as a Data Management Specialist, in the Police Department, the position she has held until retirement. We wish to express our appreciation to Linda for her many years of service with the City of Tyler.

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Judy I. Curtis

April 27, 1981 to September 30, 2008

Judy I. Curtis went to work for the City of Tyler, on April 27, 1981, as a Circulation Technician, at the Tyler Public Library, the position she has held until retirement. We wish to express our appreciation to Judy for her many years of service with the City of Tyler.

Stephen L. Graves

June 7, 1988 to September 30, 2008

Stephen L. Graves went to work for the City of Tyler, on June 07, 1988, as a Laborer in the Street Department, and has promoted to Semi-Skilled Laborer, Equipment Operator I and currently holds the position of Equipment Operator II. We wish to express our appreciation to Stephen for his many years of service with the City of Tyler.

William "Van" Jordan

June 13, 1988 to September 13, 2008

William Van Jordan went to work for the City of Tyler, on June 13, 1988, as a Playground Leader, and has held many positions with the Parks and Recreation Department; such as, Supervisor of Leisure Services, Recreation Specialist, and Activities Specialist. We wish to express our appreciation to Van for his many years of service with the City of Tyler.

20 Years

James E. Ervin

October 31, 1988 to September 30, 2008

James E. Ervin went to work for the City of Tyler Fire Department on October 31, 1988, as a Firefighter 1, and has steadily promoted through the years to Fire Driver Engineer, the position he now holds. We are pleased to present James with a 20 year service pin for his many years of service with the City of Tyler.

30 Years

Ron E. Caldwell

October 2, 1978 to October 2, 2008

Ron E. Caldwell went to work for the City of Tyler Fire Department on October 02, 1978, as a Firefighter 1, and has steadily promoted through the years to Fire Captain II, the position he now holds. We are pleased to present Ron with a 30 year service pin for his many years of service with the City of Tyler.

Judy K. Thurman

October 2, 1978 to September 2, 2008

Judy K Thurman went to work for the City of Tyler Police Department on October 02, 2008, as a Probationary Patrolman, and has steadily promoted over the years to a Police Sergeant III. We are pleased to present Judy with a 30 year service pin for her many years of service with the City of Tyler.

These employees represent 154 years of service with the City of Tyler.

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A-2 New Hires

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

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

Carol Newell	PS Telecommunicator I	Police Services
Katy B. Thompson	PS Telecommunicator I	Police Services
William R. Palmer	School Crossing Guard	Traffic Operations
Roy L. Coffey	Laborer	Water Distribution
Jorietha C. Barry	Administrative Assistant	Transit
Leo Manley	Bus Driver	Transit

A-3 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for October 2008, for placing the highest premium on responsiveness to citizens' needs.

Mayor Bass presented Cam McCabe with the Blueprint Blue Ribbon Award for October 2008.

City Manager Bob Turner stepped down to let City Manager Designate, Mark McDaniel take over the rest of the meeting.

RESOLUTION

R-1 Request that the City Council consider adopting a resolution approving participation in the Public Agency Retirement Services (PARS) Post Retirement Health Care Funding Plan Trust as related to the Governmental Accounting Standards Board Statement 45 and authorizing the City Manager to sign all related documents on behalf of the City of Tyler. (R-2008-20)

Motion by Mayor Pro Tem Alworth; seconded by Councilman Simons; motion carried 4 - 0 & approved as presented.

R-2 Request that the City Council consider a Resolution ratifying the extension of the Declaration of Disaster/Emergency Conditions for the City of Tyler as a result of Hurricane Ike. (R-2008-21)

City Attorney, Gary Landers – Stated that on September 11, 2008, Mayor Barbara Bass declared local state of Disaster/Emergency Conditions for the City of Tyler as a result of Hurricane Ike. Pursuant to section 418.108(b) of the Government Code, this state of Disaster/Emergency Conditions could continue for a period of not more than seven (7) days unless it was continued by consent of the City Council.

Due to the damage caused by the hurricane to the coastal areas of Texas and Louisiana, many evacuees that travelled to Tyler had to remain for longer than seven days. Tyler's Emergency Operations Center (EOC) remained open and functioning until late afternoon on September 24, 2008. By 5:00 p.m. on September 24, 2008, all shelters were closed and all point-to-point

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evacuees along with special needs evacuees were no longer being cared for under emergency conditions in Tyler. As a result, staff requests that the Mayor's original Proclamation of Disaster/Emergency Conditions dated September 11, 2008 be extended through September 24, 2008 by a vote of the City Council ratifying the extension.

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 4 - 0 & approved as presented.

ORDINANCE

- O-1 Request that the City Council consider adoption of an ordinance providing for the 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. (O-2008-132)**

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 4 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to award a bid for purchase of three buses to Lasseter Bus & Mobility totaling \$498,141.00.**

Airport Manager, Davis Dickson – Stated that initial review of the bids appeared to show that National would be the successful low bidder, but at the time of City Council review on May 14, 2008, the City had received information from the other bidder suggesting that National was not an authorized dealer for General Coach in this area. The bid was placed on hold pending confirmation of National Bus Sales as an authorized dealer.

Staff sought verification by consulting counsel with the Federal Transit Administration (FTA), Office of General Council (OGC), TxDOT, and the manufacturer to determine if National Bus Sales was recognized as an authorized dealer in this area. Review verified that in fact, National Bus Sales is not an authorized dealer to sell the bus as specified in the bid document solicited.

Staff contacted a number of references that received the same type bus from National Bus Sales and verified that those other entities in Texas did purchase from National, but that the issue of qualifications had not been raised. Staff then did a review to determine if there were any other entities through which Tyler might buy these buses such as Houston-Galveston Area Council of Governments (HGAC) and the Buy Board to determine how the remaining Lasseter bid compared to others. Since those entities had higher costs for similar buses, staff determined that increased costs could be expected if this project is rebid. In addition, staff researched other bus vendors nationally and identified over thirty (30) that could sell a comparable size bus to the City but delivery costs made the estimates unreasonable.

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Staff recommends awarding the bid to the sole qualified bidder, Lasseter Bus & Mobility, with a base bid of \$163,277 per unit, totaling three (3) units, including additional options for \$2,770.00 per unit. The total purchase cost is \$498,141.

The expected delivery time of these units is **280** days.

The Federal Transit Administration (FTA) will reimburse **\$498,141** of the cost and the Texas Department of Transportation (TxDOT) has authorized the City to utilize a maximum of 118,500 Transportation Development Credits (TDCs) for the local match. The City **cash** match is **zero**.

Motion by Councilman Moran; seconded by Councilman Simons; motion carried 4 - 0 & approved as presented.

- M-2 Request that the City Council consider a request to approve a professional services contract and authorizing the City Manager to execute the contract with Bucher, Willis & Ratliff Corporation in an amount not to exceed \$84,182.50 for the provision of an update to the Metropolitan Transportation Plan (MTP) for the Tyler Metropolitan Planning Organization (MPO). ©**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Simons; motion carried 4 - 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 City Council consider approving the employee and retiree health benefits contributions rates for 2009, approve the proposed changes to the health benefits plan to be effective January 1, 2009 and authorize the City Manager to implement these changes on behalf of the City of Tyler.**

- C-A-2 Request that City Council consider approving an inter local agreement with the North Central Texas Council of Governments for shared actuarial and benefits consulting services and authorizing the City Manager to execute the appropriate documents for these services. ©**

- C-A-3 Request that City Council consider approving a professional consulting services agreement for employee benefits with RWL for the 15 month period starting October 1, 2008 and authorizing the City Manager to sign an engagement letter on behalf of the City of Tyler. ©**

- C-A-4 Request that the City Council consider approving the reconciliation change order and releasing final retainage in the amount of \$37,510.10 for the Channel Improvements at Dogan Middle School. ©**

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C-A-5 Request that the City Council consider authorizing the City Manager to purchase ExecuTime software, time clock devices, and lease a server for three years to be used as an employee time and attendance application within the Solid Waste, Municipal Court and Water departments.

C-A-6 Request that the City Council consider approving and ratifying the City Manager's application for and accept second year funding for a Comprehensive Traffic Enforcement Program Grant in the amount of \$75,673 from the Texas Department of Transportation (TxDot), to include a City match of \$9,329.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Moran; motion carried 4 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. SW Bulky item collection 9-29-08 – 10-10-08
2. Grand Opening of Fire Station #10 at 5:30 today
3. Texans Against Crime – night out next Tuesday, October 14th.

RECESS FOR EXECUTIVE SESSION – City Council convened into Executive Session at 10:28 am

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

-under Section 551.072 "Real Estate", deliberation regarding the following:

Discuss the purchase, exchange, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities and encouragement of private investment

-under section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to a business prospect and to consider financial information about that prospect with which the City is conducting economic development negotiations that could lead to a development in Tyler

City Council reconvened from Executive Session at 10:33 am with no action taken.

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ADJOURNMENT

Motion by Mayor Pro Tem Alworth; seconded by Councilman Moran; to adjourn the meeting at 10:33 am; motion carried 4 - 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK