

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
JANUARY 14, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 14, 2009 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: Mark McDaniel  
City Manager Emeritus: Bob Turner  
City Attorney: Gary Landers  
Deputy City Attorney: Steve Kean  
Assistant City Attorney: Deborah Pullam  
Airport Manager: Davis Dickson  
Budget/Human Resources Director: ReNissa Wade  
Chief Financial Officer: Daniel Crawford  
City Engineer: Carter Delleney  
City Fire Chief: Neal Franklin  
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  
Housing Service Manager: Andy Davis  
Internal Auditor: Keidric Trimble  
Manager of Water Quality and Production: Mitch Marable  
Director of Utilities & Public Works: Greg Morgan  
Support Services Tech: Jami Rogers

**INVOCATION**

The Invocation was given by Councilmember Caraway.

**AWARDS**

**A-1**

**Retiree**

**Greg Grigg**

**October 1, 1984 to December 26, 2008**

Greg Grigg went to work for the City of Tyler on October 1, 1984 as a Police Officer in the Police Department. Greg was promoted to Police Sergeant on July 10, 1990 and on June 24, 1994 he was promoted to Police Lieutenant. On September 23, 1997 he was promoted to Police Captain and on April 18, 1999 Greg was promoted to Deputy Police Chief, the position he held until his retirement on December 26, 2008. We are pleased to present Greg with a proclamation for his dedication and many years of service with the City of Tyler.

January 14, 2009

**Robert Prather**

**September 19, 1983 to December 31, 2008**

Robert Prather went to work for the City of Tyler on September 19, 1983 as an Equipment Mechanic I, in the Vehicle Services Department. Robert was promoted to Equipment Mechanic II on August 5, 1991 and on June 1, 2002 he was promoted to Equipment Maintenance Supervisor, the position he held until his retirement on December 31, 2008. We are pleased to present Robert with a proclamation for his dedication and many years of service with the City of Tyler.

**20 Years**

**Linda McDonald**

**December 5, 1988 to December 5, 2008**

Linda McDonald went to work for the City of Tyler on December 5, 1988 as a Police Communications Operator in the Police Department and was promoted to Public Safety Telecommunicator II on December 26, 1990. On July 11, 1999 Linda was promoted to Public Safety Telecommunicator Supervisor, the position she currently holds. We are pleased to present Linda with a 20 year service award for her many years of service with the City of Tyler.

**Leonardo Paura**

**December 12, 1988 to December 12, 2008**

Leonardo Paura went to work for the City of Tyler on December 12, 1988 as a Laborer in the Street Department. On February 5, 1990, Leonardo was promoted to Truck Driver I and on July 23, 1990 he was promoted to Semi-Skilled Laborer. On February 13, 1997 he was promoted to Crew Leader, the position he currently holds. We are pleased to present Leonardo with a 20 year service award for his many years of service with the City of Tyler.

**Mark Pless**

**December 1, 1988 to December 1, 2008**

Mark Pless went to work for the City of Tyler on December 1, 1988 as a Utility Maintenance Repairer in the Waste Collection Department. On September 9, 1996, he was promoted to the position he now holds as Utilities Construction Supervisor. We are pleased to present Mark with a 20 year service award for his many years of service with the City of Tyler.

These employees represent over **109** years of service with the City of Tyler.

**A-2 The following employees were hired by the City of Tyler during the month of November, 2008. We would like to take this opportunity to welcome these new employees.**

Michelle	Morris	Circulation Technician	Library
Samantha	Silverling	Circulation Technician	Library
Dena	Beard	Purchasing Technician	Vehicle Services
Matthew	Killmeyer	Equipment Mechanic I	Vehicle Services
Brenda	Herrera-Sanchez	Project Planner	Neighborhood Services

**PRESENTATIONS**

January 14, 2009

**P-1 Request that the City Council consider receiving a rebate check in the amount of \$3,623.86 resulting from participation in the Local Government Purchasing Cooperative.**

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

**P-2 Request that the City Council consider receiving patronage dividend refund check of \$51,120.54 from First Choice Cooperative.**

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

## **RESOLUTION**



**R-1 Request that the City Council consider a Resolution to ratify submission of an application for Federal Aviation Administration (FAA) Grant Funds in the amount of \$349,361.00 for Design Services for the 2009 West Side General Aviation Hangar Development Project and the 2009 Overlay of Runway 17/35, Overlay of Taxiways B, E, and G, and the construction of Taxiway J Project at Tyler Pounds Regional Airport. This resolution also accepts any grant amendments to increase the grant funding levels, as well as authorizing the City's match payment not to exceed 5 percent for proposed grant projects. (R-2009-1)**

**Davis Dickson, Airport Manager** – Stated that the Federal Aviation Administration (FAA) contacted the City of Tyler requesting an application to be made for available FAA Airport Improvement Program (AIP) entitlement funds to begin design for a new Airport Economic Stimulus Grant Program that may possibly be offered in January 2009. FAA asked that Tyler review its airport Capital Improvement Program (CIP) for projects that could possibly be bid in April 2009. FAA is gathering this information in order to make recommendations for the possible new grant.

The requirements of the Stimulus Grant Program are that the projects should produce work in the area, enable future growth at the airport, or improve safety conditions. The key to success is to engineer the projects knowing that the projects will move fast if approved by FAA. All projects must be designed and have bids opened by April 2009. Notice to proceed for construction must be submitted soon after. Having plans ready for bid will enable Tyler to be offered funds through the stimulus grant planned for early 2009.

The FAA stated that the engineering costs will be reimbursed 95 percent once this AIP grant is awarded and a second grant offer should be made in the spring of 2009 to cover all remaining design costs. The subsequent construction costs will be paid through the stimulus grant if offered.

Airport staff prepared and submitted an application to the FAA requesting funding for 95 percent of all eligible costs associated with Design Services for the following projects at Tyler Pounds Regional Airport:

January 14, 2009

- 1) 2009 West Side General Aviation Hangar Development Project; and
- 2) 2009 Overlay of Runway 17/35, Overlay of Taxiways B, E, and G, and the construction of Taxiway J Project


The application was made for all available funds for the design fees, bringing the total FAA funding request amount to \$349,361.00. FAA has indicated that approximately \$651,000.00 of additional AIP funds should be available for application in the spring of 2009.

FAA	\$ 349,361.00
Local Matching Funds (5%)	<u>18,387.42</u>
TOTAL PROGRAM FUNDING	\$ 367,748.42


Airport staff is requesting the City Council to consider ratifying staff's application for FAA funds. Additionally, staff is requesting that the City Council pass a resolution to accept FAA Grant 3-48-0215-26-2009 totaling \$349,361.00 and any amendments to increase this grant.

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


## MISCELLANEOUS

-  **M-1** Request that the City Council consider authorizing the City Manager to execute work Order No. 7 for engineering services with Wisenbaker, Fix and Associates for design and bidding-related services for the 2009 West Side General Aviation Hangar Development Project at Tyler Pounds Regional Airport in an amount not to exceed \$305,944.00, and for the Half Cent Sales Tax Board to consider funding the maximum local obligation of \$15,297.00. ©

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 execute Work Order No. 6 for engineering services with Wisenbaker, Fix and Associates for design and bidding-related services for the 2009 Overlay of Runway 17/35, Overlay of Taxiways B, E and G, and Construction of Taxiway J Projects at Tyler Pounds Regional Airport in an amount not to exceed \$694,797.50, and for the Half Cent Sales Tax Board to consider funding the maximum local obligation of \$34,740.00. ©

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

-  **M-3** Request that the City Council consider authorizing the City Manager to enter into an "Emergency Response Services Agreement" with East Texas Medical Center (ETMC) for communication services and access to radio system infrastructure, including hardware, software, and insurance associated with this system for the City of Tyler, and also consider authorizing the City Manager to enter into an agreement with East Texas Medical Center (ETMC) for the purchase of required radio towers and upgrades. ©

January 14, 2009

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

- M-4** Request that the City Council consider authorizing the City Manager to enter into a System Purchase Agreement with Motorola Inc. and the Houston-Galveston Area Council and adopting a related Resolution, for the purpose of leasing communications (radio) equipment needed to function within the Emergency Response Services Agreement with East Texas Medical Center at the amount of \$2,754,517. (O-2009-01-A)



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 execute an extra services amendment in the amount of \$550,000 for Highway 69 and Interstate 20 Water and Sanitary Sewer Improvements project design with Wisenbaker Fix and Associates for surveying services associated with right-of-way acquisition. ©

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

- M-6** Request that the City Council consider authorizing the City Manager to purchase one additional bus from Lasseter Bus & Mobility for \$160,121.00.



Motion by Councilman Moran; 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 one John Deere Model 6330 Tractor and one Tiger Boom Mower for a total purchase price of \$77,474.24.

- C-A-2** Request that the City Council consider authorizing the City Manager to purchase a Holmatro Hydraulic Rescue Tool, Hoses and Attachments for Ladder 1, from the Sole Source provider Metro Fire Apparatus Specialists, Inc., in the total amount of \$37,625.00.

- C-A-3** Request that the City Council consider ratifying staff action authorizing Change Order No. One in the amount of \$20,332.03 to Contract No. TYL-238 to Red River Construction Company for the construction of aluminum clear well covers for the Golden Road Water Treatment Plant. ©

- C-A-4** Request that the City Council consider authorizing the City Manager to approve the Reconciliation Change Order and release final retainage in the amount of \$6,690.00 for channel improvements at 624 E. Lake. ©

January 14, 2009

- C-A-5** Request that the City Council consider ratifying staff action authorizing payments to White-Shaver, PC in the amount of \$20,927.24 and a payment to Boren-Scott Title Company in the amount of \$28,302.62 for acquisition of right-of-way for New Sunnybrook Drive.
- 
- C-A-6** Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2008-2009 Budget to provide for girls fast pitch softball fields at Faulkner Park and ratify the payment of \$39,000 to Grady Rowland Construction grading work on softball fields at Faulkner Park. (0-2009-1)
- C-A-7** Request that the City Council to consider ratifying application and acceptance of Fiscal Year 2009 STEP – Impaired Driving Mobilization grant in the amount of \$14,975 from the Texas Department of Transportation (TxDot).
- C-A-8** Request that the City Council consider authorizing the City Manager to approve revisions to an access agreement to Mezayek Building LTD in association with the Hamilton Commons at Cumberland. ©
- C-A-9** Request that the City Council consider approving the reconciliation change order in the amount of \$40.00 and releasing final retainage for the drainage improvements to Black Fork Creek Tributary D1.1, North Broadway Avenue to East Queen Street, in the amount of \$35,897.61, to Heartbeat Construction. ©
- C-A-10** Request that the City Council consider authorizing the City Manager to execute a Consent to Assignment of Hangar/Operator Lease from Mr. Clint Abbott to Dixie Hangar, LLC. ©

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

## **APPOINTMENTS TO BOARDS**

- B-1** Request that the City Council consider reappointment of three members of the City of Tyler Tax Increment Reinvestment Zone No. 1 Board, *and Dean Cagle as Chair.*

### **TYLER TAX INCREMENT REINVESTMENT ZONE NO. 1**

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

Dean Cagle  
Fred Carl  
Billy Hibbs Jr.

Motion by Councilman Smith; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 to re-appoint Dean Cagle as Chairman.

January 14, 2009

**CITY MANAGER’S REPORT**

1. *Tyler 21 one year follow-up*
2. *Organizational Chart – 3 new Key Leaders; ReNissa Wade, Susan Guthrie and Gary Landers*

**RECESS FOR EXECUTIVE SESSION -** City Council convened into executive session at 9:46 am

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

**-under section 551.071 "Litigation" deliberation regarding the following:**

pending or contemplated litigation involving the boundaries of the City's ETJ

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above

**-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. No Action

City council reconvened from executive session at 10:33 am with no action taken.

**ADJOURNMENT**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; to adjourn the meeting at 10:33 am; motion carried 7 - 0 & meeting adjourned.

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

**A T T E S T:**

\_\_\_\_\_  
**CASSANDRA BRAGER, CITY CLERK**