

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
FEBRUARY 11, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 11, 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
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 Fire Chief:	Neal Franklin
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Solid Waste:	Dan Brotton
Director of Utilities & Public Works:	Greg Morgan
Interim Traffic Engineer:	Justin Smith
Tyler Transit:	Gary Rushing
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

AWARDS

A-1

Retirees

Billy “Wayne” Page

June 1, 1978 to January 10, 2009

Billy “Wayne” Page started working for the City of Tyler on June 1, 1978 as a Firefighter in the Fire Department. On November 1, 1981 he was promoted to Fire Driver Engineer, the position he held until his retirement. We are pleased to present Billy “Wayne” Page with a proclamation for his 30 years of service with the City of Tyler.

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Bill Ward

May 12, 1975 to January 30, 2009

Bill Ward started working for the City of Tyler on May 12, 1975 as a Traffic Engineer in the Traffic Engineering Department and on September 24, 1979 he was promoted to Director of Traffic and Transportation. On June 14, 1999 he was promoted to Projects Coordinator for the Capital Projects Department, the position he held until his retirement. We are pleased to present Bill Ward with a proclamation for his 33 years of service with the City of Tyler.

20 Years

James Mullicane

January 11, 1989 to January 11, 2009

James Mullicane started working for the City of Tyler on January 11, 1989 as a Firefighter in the Fire Department, the position he currently holds. We are pleased to present James with an award for his 20 years of service with the City of Tyler.

James Suggs

January 11, 1989 to January 11, 2009

James Suggs started working for the City of Tyler on January 11, 1989 as a Firefighter in the Fire Department. On April 11, 1994 James was promoted to Fire Inspector/Investigator, the position that he currently holds. We are pleased to present James with an award for his 20 years of service with the City of Tyler.

Tim Campbell

January 30, 1989 to January 30, 2009

Tim Campbell started working for the City of Tyler on January 30, 1989 as the Athletic Director in the Parks and Recreation Department. On September 24, 1990 he was promoted to Recreation Superintendent and on January 6, 2003 he was transferred to Leisure Services Supervisor. Then on December 10, 2004, Tim was transferred to Recreation Program Operation Supervisor, the position he currently holds. We are pleased to present Tim with an award for his 20 years of service with the City of Tyler.

These employees represent over **123** years of service with the City of Tyler.

A-2 The following employees were hired by the City of Tyler during the month of January 2009. We would like to take this opportunity to welcome these new employees.

Kim	Kelly	Chief Electrical Inspector	Development Services
Diann	Hazelton	Senior Clerk	Human Resources
Ray	Hudnell	Homebuyers Specialist	Neighborhood Services
Lanita	Pennington	Senior Clerk	Neighborhood Services
Dagoberto	Olivares Jr.	Crew Leader	Storm Water Management
Angela	Godina	Dispatcher/Scheduler	Transit

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance approving a revised interlocal agreement between the City of Tyler and Smith County relating to plat and subdivision regulation in the City of Tyler extraterritorial jurisdiction. (O-2009-5) ©**

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

- O-2 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by decreasing the speed limit from 45 m.p.h. to 40 m.p.h. on a portion of Cumberland Road between Wilder Way and Cherokee Trail. (O-2009-6)**

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

MISCELLANEOUS



- M-1 Request that the City Council consider authorizing the City Manager to award Bid Number 09-003 for the construction of Communications System Upgrade for Southwest Loop 323 Adaptive Control System to Striping Technologies, Limited Partnership in the amount of \$349,521.00.**

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



- M-2 Request that City Council consider authorizing the City Manager to accept a donation in the amount of \$150,000 from the Retail Merchants Association of Tyler, Incorporated for the acquisition and installation of new bus shelters, trash receptacles and holders for bus route maps.**

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



- M-3 Request that the City Council consider authorizing the City Manager to approve a Stream Mitigation Agreement with West Mud Reserve, LLC for the New Sunnybrook Project in the amount of \$84,830.00.**

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



- M-4 Request that the City Council consider authorizing the City Manager to approve Amendment No. 3 to the Professional Services Agreement with Adams Engineering to perform an archeological survey for the New Sunnybrook project, expanding the scope of services and increasing the fee by \$9,441.20. ©**

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Jeremy Rowden, Adams Engineering – Gave a brief presentation.

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

M-5 Request that the City Council consider authorizing the City Manager to purchase ten AutoCITE X3 Handheld Citation Issuance Computers from Duncan Solutions at a total cost of \$53,500.00.

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

M-6 Request that the City Council consider reviewing and accepting the Workers' Compensation and Property and Casualty Report for the prior fiscal year 2007-2008 through first quarter of the current Fiscal Year 2008-2009 and ratify all claims and settlements.

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

M-7 Request that the City Council consider reviewing and accepting the Litigation Status Report for Fiscal Year 2007-2008 as well as the first quarter of Fiscal Year 2008-2009.

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

M-8 Request that the City Council consider reviewing and accepting the Revenue, Expenditure and Investment Report for the quarter ending December 31, 2008.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; 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 approving the first of two possible contract extensions with Siemens ITS to provide temporary traffic field technician support services on an as needed basis with a fee not to exceed \$46,500.00. ©

C-A-2 Request that the City Council consider adopting an Ordinance amending Chapter 19, "Utilities" Article I, "Water and Sewer Service", Article II, "Water and Sewer System Extensions", and Article III, "Water and Sewer Service", of the code of ordinances, City of Tyler, Texas by revising the term "Operations Manager" to "Director of Utilities and Public Works; providing a severability clause; and providing an effective date.

(O-2009-7)



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C-A-3 Request that the City Council consider adopting an Ordinance amending Chapter 7, “Community Development”, Article III, “Minimum Urban Standards”, by adding financial inability to pay the costs of demolition as a requirement for participation in the Voluntary Demolition Program. (O-2009-8)

C-A-4 Request that the City Council consider approving the reconciliation change order in the amount of \$22,847.20 and release final retainage, in the amount of \$15,484.12, for the elements comprising the 2008 Consolidated Concrete Improvements project to Crown Civil Construction. ©

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

CITY MANAGER’S REPORT

City Manager asked the City Council to submit priorities to him concerning Tyler 21 projects.

RECESS FOR EXECUTIVE SESSION

City Council convened into executive session at 9:37 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 franchise fee payments;

All suits pending against the City filed by: Aguirre-Holt, Clark, Sanders, Smith, Tardy, Tolbert, or Toole;

The three condemnation appeal cases involving R & J, Chapelwood, and TFW;

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

City Council reconvened from executive session at 10:01 am with no action taken.

ADJOURNMENT

Motion by Councilman Caraway; seconded by Mayor Pro Tem Alworth; to adjourn the meeting at 10:01 am; motion carried 7 - 0 and meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK