

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
APRIL 8, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 8, 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
Director of Neighborhood Services:	Brenda Johnson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Fire Chief:	Neal Franklin
City Librarian:	Chris Albertson
Communications Director:	Susan Guthrie
Director of Parks and Recreation:	John Webb
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Housing Service Manager:	Andy Davis
Manager/Water Utilities Business Office:	Joan Roberson
Director of Utilities & Public Works:	Greg Morgan
Interim Traffic Engineer:	Justin Smith
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

AWARDS

A-1

Retirees

Robert Page

December 7, 1981 to March 31, 2009

Robert Page went to work for the City of Tyler on December 7, 1981 as a Truck Driver in the Street Department and on February 15, 1982 he was promoted to Equipment Operator II. On October 1, 2000 he was promoted to Street Surface Technician, the position he held until his retirement. We are pleased to present Robert Page with a proclamation for his 28 years of service with the City of Tyler.

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Harmon Fletcher

June 29, 1998 to March 31, 2009

Harmon Fletcher went to work for the City of Tyler on June 29, 1998 as a Custodian in the Tyler Public Library Department, the position he held until his retirement. We are pleased to present Harmon Fletcher with a proclamation for his 10 years of service with the City of Tyler.

25 Years

Connie Luther

March 8, 1984 to March 8, 2009

Connie Luther went to work for the City of Tyler on March 8, 1984 as a Hardscape Technician in the Parks and Recreation Department, the position he currently holds. We are pleased to present Connie with an award for his 25 years of service with the City of Tyler.

Dwayne Parrish

March 19, 1984 to March 19, 2009

Dwayne Parrish went to work for the City of Tyler on March 19, 1984 as a Firefighter in the Fire Department and on March 14, 2003 he was promoted to Fire/Driver Engineer. On May 06, 2007 he was promoted to Fire Captain, the position he currently holds. We are pleased to present Dwayne with an award for his 25 years of service with the City of Tyler.

Ray Hukill

March 19, 1984 to March 19, 2009

Ray Hukill went to work for the City of Tyler on March 19, 1984 as a Firefighter in the Fire Department and on February 23, 1989 he was promoted to Fire Investigator. On February 10, 1992 he was promoted to Fire Driver/Engineer and on January 8, 1996 he was promoted to Fire Captain, the position he currently holds. We are pleased to present Ray with an award for his 25 years of service with the City of Tyler.

Larry Christian

March 26, 1984 to March 26, 2009

Larry Christian went to work for the City of Tyler on March 26, 1984 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Larry with an award for his 25 years of service with the City of Tyler.

These employees represent over **138** years of service with the City of Tyler.

A-2 New Hires

Gerald	Palafox	Activities Specialist	Parks and Recreation Department
Bryce	Stringer	Public Safety Telecommunicator	Police Department
Sheila	Creekmore	Secretary	Police Department
Cameron	Clayton	Residential Equipment Operator	Solid Waste Department
David	Burks	Residential Equipment Operator	Solid Waste Department
Olivia	Pate	Account Specialist	Solid Waste Department
Yulanda	Johnson	Inventory Technician	Vehicle Services Dept.

PRESENTATIONS

P-1 Request that the City Council considering receiving a presentation from the Neighborhood Services Department regarding the City's Neighborhood Empowerment Works (NEW) 2008 Fall Program in District No. 4, which is represented by Councilman Simons.

Brenda Johnson, Director of Neighborhood Services - Presented a power point in regards to the City's Neighborhood Empowerment Works (NEW) 2008 Fall Program in District No. 4.

Councilman Simons – Stated that this is a great partnership program but it's only as good as the neighborhoods that get involved with it.

HEARINGS

H-1 Request that the City Council consider conducting a public hearing and consider adopting an Ordinance amending Tyler City Code Chapter 15 to adopt a proposed Electric Power Franchise Ordinance with Oncor Electric Delivery Company, LLC, on the second of three readings. (approved as preliminary draft for the second of three readings. No ordinance yet.)

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

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution initiating annexation proceedings, authorizing a service plan, and setting the dates, times and places for public hearings on the proposed annexation to include portions of the following tracts of land: Tract 1A, 1D, 2C, 5C, 10, 10A, 54A, 55-58, 71 and 135 being approximately 280 acres in area, located approximately 1,500 feet west of Loop 323 SSW, known as Cascades Golf Course, and all other undeveloped or unannexed property located within the boundaries of the Cascades Residential Development. Pulled from agenda, will proceed via voluntary annexation

R-2 Request that the City Council consider adopting a Resolution initiating annexation proceedings, authorizing a service plan, and setting the dates, times and places for public hearings on the proposed annexation of approximately 42 acres of land located along the east and west side of Spur 164, known as a portion of the Union Pacific Railroad and 10637, 10826, 10874, 10886, and 10889 Spur 164. (R-2009-7) (May 13 and Special Called Mtg. May 20, 2009)

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

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ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by decreasing the speed limit from 40 mph to 35 mph on a portion of Cumberland Road from a point starting 885 feet east of the east curb line of South Broadway Avenue and extending west along Cumberland Road back to the East curb line of Broadway Avenue. (O-2009-34)**

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

- O-2 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 17, by establishing a speed limit of 40 mph on a portion of Old Omen Road from the south curb of East Fifth Street south to the north curb of Old Bascom Road. (O-2009-35)**

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

- O-3 Request that the City Council consider adopting an Ordinance establishing a temporary construction speed limit of 35 mph on Rhones Quarter Road (FM 2964) from Hollowbrook Drive south to the City limits, during construction of the City Grande Phase 2B project. (O-2009-36)**

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

- O-4 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2008-2009 Budget to incorporate grant funds from The Baseball Tomorrow Fund and ratify staff's action of expending funds for field lights and the powering of the scoreboard for the girls fast pitch softball field No. 3 at Faulkner Park from Musco Lighting of Oskaloosa, IA, in the amount of \$87,727. (O-2009-37)**

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

- O-5 Request that the City Council Consider approving an Ordinance prohibiting the use of designated groundwater from beneath the property whose address includes 1604 South Vine Street, 1610 South Vine Street and 914 West Glenwood Boulevard located at the southeast corner of Vine Street and Glenwood Boulevard containing approximately 1.601 acres of land in Tyler, Texas, to facilitate the certification of said property with a Municipal Setting Designation by the Texas Commission on Environmental Quality pursuant to the Texas Solid Waste Disposal Act; and providing an effective date. (O-2009-38)**

Greg Morgan, Director Utilities & Public Works – Stated that the 78th Texas Legislature passed Municipal Setting Designation (MSD) statutes governing the potability of groundwater and the requirements for removing contaminants from groundwater. The MSD law creates a

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new alternative for persons addressing the groundwater contamination which they are responsible for causing, as well as for persons who “volunteer” to address groundwater contamination, by limiting the investigation and remediation requirements for contaminated groundwater on MSD properties when that groundwater is not used and will not be used in the future for potable water.

Under the MSD legislation, the Texas Commission on Environmental Quality (TCEQ) is authorized to receive, process and certify a MSD application for properties with contaminated groundwater that are located within a city’s limits or its extraterritorial jurisdiction only if there is support from the affected city. City support must be in the form of an ordinance or resolution that prohibits, at the designated property, future use of contaminated groundwater as potable water. Without the required City support, the MSD Application must be rejected by the TCEQ.

A request for a MSD can be filed by an individual, a corporation, an organization, a government or governmental subdivision or agency, a business trust, partnership, association or any other legal entity. However, prior to filing an application, the applicant must provide statutory notification to:

- Each municipality in which the MSD is located or with a boundary located within one-half mile of the MSD property boundary or that owns or operates a water supply well located within five miles of the MSD property boundary;
- Each owner of a “private water well registered with the TCEQ that is located within five miles of the MSD property boundary;
- Each retail public utility that owns or operates a groundwater supply well located within five miles of the MSD property boundary

Provided that the Tyler City Council approves the attached ordinance, the next step will be for Vine Street LLC to document notification of the owners of private water wells within five miles of the property. Using TCEQ records two hundred and sixty five individual properties have been identified for notification. After notification, the notified parties will have up to sixty days after receipt of notification to file comments with the TCEQ. The TCEQ will take any received comments into consideration in determining whether or not to issue a MSD for the Vine Street LLC property.

The Tyler Water Utilities’ staff has reviewed the regulations governing establishing a MSD, as well as the request by Vine Street LLC and determined that the requested MSD will:

- Protect public health;
- Not effect property owners other than Vine Street LLC;
- Revitalize local property tax base by encouraging urban redevelopment of property which would otherwise be abandoned due the prohibitive cost of investigation and remediation.

City staff finds that it is in the best interest and welfare of the public to facilitate the Texas Commission on Environmental Quality's certification of a municipal setting designation for the property.

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Motion by Councilman Simons; 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 pursue and accept grant funding through the COPS Hiring Recovery Program for four Police Officer positions to enhance the community policing efforts of the department.©

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

M-2 Request that the City Council consider authorizing the City Manager to reject proposals received on May 13, 2008 and enter into a production agreement with DataProse Printing and Mailing Solutions for Tyler Water Utilities water bills, in accordance with the proposals received on February 24, 2009. ©

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

M-3 Request that the City Council consider awarding a portion of Bid No. 09-016 in the amount of \$95,593.00 annually to Signature Contracting Services, LLC, for a Contract for Grounds Maintenance Services at Tyler Pounds Regional Airport, Gassaway Park, Pollard Park, W. E. Winters Park, Bergfeld Park, Rose Rudman Park and Southside Park; and awarding a portion of Bid No. 09-016 in the amount of \$25,266.18 annually to Integrity Tree Care & Landscaping for a Contract for Grounds Maintenance Services at City Park, Crescent Park, Herndon Hills Park, Hillside Park, Emmitt Scott Park, P. T. Cole Park and T. R. Griffith Park; and authorize the City Manager to execute the two contracts for Grounds Maintenance Services.

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


CITY MANAGER'S REPORT

1. Carter presentation update on Grande & Old Omen; Grande 2A complete by end of July 2009
2. CIP chart update
3. Lean Sigma- hope to hire Master Black belt within 90 days & Parks & Solid Waste cost savings programs.
4. City Manager Emeritus retire 6/12/09, delay hiring Deputy City Manager & reorganize some dept reporting

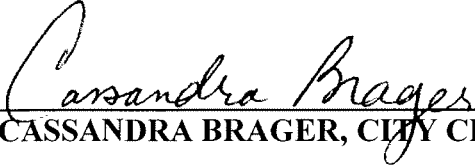
ADJOURNMENT

Motion by Mayor Pro Tem Alworth to adjourn the meeting at 10:09 am; seconded by Councilman Smith; motion carried 7 - 0 meeting adjourned.

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BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

