

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

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 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: Donald Sanders (absent)
Councilmembers: Charles Alworth
Chris Simons
Ralph Caraway
Sam Mezayek

City Manager: Mark McDaniel
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
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
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Carter Delleney
City Fire Chief: Neal Franklin
City Librarian: Chris Albertson
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Utilities & Public Works: Greg Morgan
Interim Traffic Engineer: Justin Smith
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

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Motion by Councilman Alworth to approve the March 11th and March 25, 2009 minutes; seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

20 Years

Kenneth Johnson Sr.

June 12 1989 to June 12, 2009

Kenneth Johnson Sr. went to work for the City of Tyler on June 12, 1989 as a Plant Operator I in the Water Production and Quality Department. On December 8, 1992 he was promoted to Plant Operator II and on April 24, 2006, he was promoted to Plant Operator III. On May 12, 2008 he was promoted to Chief Treatment Plant Operator, the position he currently holds. We are pleased to present Kenneth with an award for his 20 years of service with the City of Tyler.

30 Years

Bobby Perkins

June 1, 1979 to June 1, 2009

Bobby Perkins went to work for the City of Tyler on June 1, 1979 as a Police Officer in the Police Department. On October 9, 1995 he was promoted to Police Sergeant, the position he currently holds. We are pleased to present Bobby with an award for his 30 years of service with the City of Tyler.

Elaine Massinburge

June 26, 1979 to June 26, 2009

Elaine Massinburge went to work for the City of Tyler on June 26, 1979 as a Library Assistant for the Library, the position she currently holds. We are pleased to present Elaine with an award for her 30 years of service with the City of Tyler.

Retirees

Kathy Breedlove

October 17, 1988 to June 17, 2009

Kathy Breedlove went to work for the City of Tyler on October 17, 1988 as a Public Safety Telecommunicator in the Police Department. In July of 2005, she took a 10 month sabbatical and returned to the dispatch department until her retirement. We are pleased to present Kathy Breedlove with a proclamation for her 21 years of service with the City of Tyler.

Beverly Morgan

November 15, 1990 to June 01, 2009

Beverly Morgan went to work for the City of Tyler on November 15, 1990 as a Computer Operator I in the Information Technology Department. On June 25, 1998 she was promoted to Computer Operator Supervisor and on May 5, 2008, she was promoted to Advanced IT Specialist II, the position she held until her retirement. We are pleased to present Beverly Morgan with a proclamation for her 18 years of service with the City of Tyler.

Mike Willis

June 1, 1978 to June 2, 2009

Mike Willis went to work for the City of Tyler on June 1, 1978 as a Fireman in the Fire Department and on April 1, 1983, he was promoted to Fire Driver. On April 24, 1990 he was promoted to Fire Captain, the position he held until his retirement. We are pleased to present Mike Willis with a proclamation for his 31 years of service with the City of Tyler.

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These employees represent over 150 years of service with the City of Tyler.

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

Garrett	Martin	Code Services Officer	Code Enforcement
Randall	McGee	Code Services Officer	Code Enforcement
Robbie	Gribble	Legal/Risk/City Clerk Secretary	Legal Department
Michael	Rogers	Bus Driver	Transit Department
Dustin	Hollingsworth	Police Officer	Police Department
Ritha	Bates	Public Safety Telecommunicator II	Police Department
Ryan	King	Public Safety Telecommunicator I	Police Department

A-3 Request that the City Council consider accepting the TAMI Award from the Texas Association of Municipal Information Officers (TAMIO) for the Goodman-LeGrand Video Home Tour.

HEARINGS

H-1 Request that the City Council consider conducting a public hearing and provide direction on the FY 2009-2010 Community Development Block Grant (CDBG) and HOME Programs.

Brenda Johnson gave a brief presentation concerning the FY 2009-2010 Community Development Block Grant (CDBG) and HOME Programs.

Judy Whitaker, 2323 W. Front St. - Thanked City Council for the funds for the Andrew Center.

RESOLUTION

R-1 Request that the City Council consider a Resolution calling a Special Election for November 3, 2009, to fill the office of Tyler City Council Member for Single Member District No. 5 on the Tyler City Council and calling for a joint election with Smith County. (R-2009-20)

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

R-2 Request that the City Council consider approving a Resolution suspending the proposed Water Rate/Tariff Change Application filed by Southern Utilities Company and authorize the City to intervene in related dockets before the Texas Commission on Environmental Quality. (R-2009-21)

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

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R-3 Request that the City Council consider adopting a Resolution authorizing submission of an application for Federal Aviation Administration (FAA) Grant Funds in the amount of \$601,344.00 for the Design of Overlay of Runway 17/35, the Construction of Taxiway Juliet and General Aviation Development 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-2009-22)

Motion by Councilman Alworth seconded by Councilman Mezayek; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS



M-1 Request that the City Council consider authorizing the City Manager to execute Work Order No. 10 for engineering services with Wisenbaker, Fix and Associates for the Runway 4/22 Runway Safety Area Improvement Project at Tyler Pounds Regional Airport in an amount not to exceed \$698,865.00, and for the Half Cent Sales Tax Board to consider funding the maximum local obligation of \$34,943.25. ©

Motion by Mayor Pro Tem Sanders; seconded by Councilman Simons; motion carried 6 - 0 & approved as presented.

M-2 Request that the City Council consider authorizing the City Manager to award the sale of surplus properties Lot 1-A, NCB 792, (Old Fire Station Number 7) in the amount of \$376,500.00 to KPE Investments, Ltd., and Lot 4, NCB 1013-M, (128 Barbee Drive) in the amount of \$13,680.00 to Michael J. Collins. Amend sales price for fire station to \$350,000 ©

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.



M-3 Request that the City Council consider approving the second 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. ©

Motion by Councilman Alworth seconded by Councilman Simons; motion carried 6 - 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 approve an Amendment to the Land Lease between Mr. A. R. Barron and wife, Mrs. Mary Barron, and the City of Tyler, to reflect the current owner, Mr. Kenneth Ray Barron, as Lessor. ©

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C-A-2

Request that the City Council consider authorizing the City Manager to execute Change Order No. 1 in the amount of \$22,578.26 for the 2008 Phase III Perimeter Road Project at Tyler Pounds Regional Airport and authorize the five percent local share totaling \$1,129.26 from the Half Cent Sales Tax fund. ©

Motion by Councilman Caraway; seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. **CIP updates handed out**
2. **Sales Tax Board next week work on prioritization**
3. **Estimate of sales tax amount due today. When estimate received, staff will use to make final determination on revenue for 09/10 budget preparation purposes. Proposed budget should be sent to City Council in August.**

RECESS FOR EXECUTIVE SESSION City Council convened into Executive Session at 9:41 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:

1. Pending or contemplated litigation involving denial of sewer service in Southwestern Tyler
2. Pending or contemplated litigation involving development around Lake Bellwood

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 into Executive Session at 10:18 am with no action taken.

ADJOURNMENT

Motion by Councilman Simons to adjourn the meeting at 10:18 am; seconded by Councilman Mezayek; motion carried 6 - 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK