

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

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 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:	Donald Sanders
Councilmembers:	Charles Alworth
	Chris Simons
	Ralph Caraway
	Sam Mezayek (absent)
City Manager:	Mark McDaniel
Asst. City Manager:	Scott Wall
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
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 Fire Chief:	Neal Franklin
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Solid Waste:	Dan Brotton
Budget/Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Jimmie Johnson
Manager/Water Utilities Business Office:	Joan Roberson
Director of Utilities & Public Works:	Greg Morgan
Traffic Engineer:	Peter Eng
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

20 Years

Johnny Green

September 29, 1989 to September 29, 2009

Johnny Green went to work for the City of Tyler on September 29, 1989 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Johnny with an award for his 20 years of service with the City of Tyler.

Chris Miller

September 29, 1989 to September 29, 2009

Chris Miller went to work for the City of Tyler on September 29, 1989 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Chris with an award for his 20 years of service with the City of Tyler.

Lloyd Wood Jr.

September 26, 1989 to September 26, 2009

Lloyd Wood Jr. went to work for the City of Tyler on September 26, 1989 as a Laborer in the Street Department and on July 2, 1990 he was promoted to Truck Driver. On April 23, 2006 he was promoted to Crew Leader, the position he currently holds. We are pleased to present Lloyd with an award for his 20 years of service with the City of Tyler.

These employees represent over **60** years of service with the City of Tyler.

A-2 New Hires Recognitions

The following employees were hired by the City of Tyler during the month of September 2009.

Mallore	Martin	PS Telecommunicator	Police Department
Michael	Howell	Senior Planner	Planning and Zoning
Laura	Howell	Customer Service Representative	Water Business Office
Charles	Fugate	Plant Operator II	Water Production and Quality

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

A-3 Request that the City Council consider recognizing the members of the Tyler Firefighter Combat Challenge Team.

A-4 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for October 2009.

Mayor Bass presented Chief Gary Swindle with the Blueprint Blue Ribbon Award for October 2009.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution appointing a City of Tyler representative to the Smith County Appraisal District Board of Directors. (R-2009-29)

Motion by Councilman Simons to appoint John Regan; seconded by Councilman Alworth; motion carried 5 - 0 & approved as presented.

ORDINANCE



O-1 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by extending an existing signed bicycle route on Amherst Street, creating a new signed bicycle route on Sunnybrook Drive, Copeland Road and Grand Street from the intersection of 29th Street to the intersection of Mims Street, and creating exclusive bicycle lanes on Amherst Street and Sunnybrook Drive and new exclusive bicycle lanes on Amherst Street and Sunnybrook Drive. (O-2009-104)

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 5 - 0 & approved as presented.

- O-2 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, by establishing a speed zone of 45 mph on a portion of Grande Boulevard from the east curb line of Sutherland Drive east to the City Limit. (O-2009-105)**

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.



- O-3 Request that the City Council consider adopting an Ordinance outlining the civil service classification plan and number of authorized civil service positions within the Police and Fire Departments for Fiscal Year 2009-2010 as required by Chapter 143 of the Texas Local Government Code. (O-2009-106)**

City Manager, Mark McDaniel – Stated that there are no changes in the Police Department Classified Plan for 2009-2010. The amended Classification Plan reflects the addition of six (6) additional firefighters included in the Fiscal year 2009-2010 adopted budget.

The amended Classification Plan also reflects a change in the Prevention Division of the Fire Department brought about by the retirement of the Fire Marshal. The Fire Marshal is currently appointed as a non-civil service position, so is not included in the attached listing or Plan. The amended Plan abolishes the prior six Fire Inspector/Investigator classifications or rank and creates two civil service ranks (Assistant Fire Marshal and Deputy Fire Marshal), reducing the total count in the Fire Prevention Division by one.

Motion by Councilman Simons; seconded by Councilman Alworth; motion carried 5 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider ratifying the Appointment of Paul Findley by the City Manager as Fire Marshal of the City of Tyler.**

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to enter into a vehicle maintenance contract with the East Texas Historical Fire Society for maintenance and display of a fire engine. ©**

Motion by Mayor Pro Tem Sanders; seconded by Councilman Simons; motion carried 5 - 0 & approved as presented.

- M-3 Request that the City Council consider authorizing the City Manager to enter into a vehicle maintenance contract with the Guardians of the Ribbon, a non-profit group, for maintenance and display of a fire engine. ©**

Motion by Mayor Pro Tem Sanders; seconded by Councilman Simons; motion carried 5 - 0 & approved as presented.



- M-4 Request that the City Council consider authorizing the City Manager to award a contract for demolition of structures located on the Tyler Downtown Redevelopment (West) properties to Grant Mackay Company of Houston, Texas in the amount of \$168,013.00, and amend the existing asbestos abatement contract with Air Quality Associates, Incorporated, of Tyler, Texas in the additional amount of \$17,600 for the remaining asbestos abatement required prior to demolition and consider approving an Ordinance to appropriate funds for said expenditures. © (O-2009-107)**

Motion by Councilman Simons; seconded by Councilman Alworth; motion carried 5 - 0 & approved as presented.



- M-5 Request that the City Council consider authorizing the City Manager to enter into an agreement with the East Texas Communities Foundation to create the City of Tyler Park Foundation Donor Designated Fund of the East Texas Communities Foundation.©**

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 5 - 0 & approved as presented.



- M-6 Request that the City Council consider ratifying payment of final expenses for the new Main Street Office Building, Gallery Main Street and visitors' center.**

Motion by Councilman Simons; seconded by Mayor Pro Tem Sanders; motion carried 5 - 0 & approved as presented.

- M-7 Request that the City Council consider authorizing the City Manager to execute a lease agreement renewal with the Tyler Ski Club for limited skiing on Lake Bellwood. ©**

Greg Morgan, Director of Utilities & Public Works – Stated that Lake Bellwood is a 170 acre lake located west of Loop 323 and south of State Highway 31 West. This lake is owned by and remains a part of the City of Tyler Water Utilities water supply system. Until 1965, Lake Bellwood was an integral part of the water supply for the City of Tyler. Today it continues to serve as a raw water supply to several contract customers.

Under Section 19-238 of the City of Tyler Code of Ordinances, skiing is prohibited on Lake Bellwood unless specifically authorized by the Tyler Water Utilities Manager of Water Production and Quality. In 2000, due to drought conditions and low lake levels, authorization was granted to the Tyler Ski Club to ski on Lake Bellwood between April and September for the 2000 tournament season.

On September 13, 2006, the City Council authorized a one year lease agreement which allowed members of the Tyler Ski Club to ski on Lake Bellwood until September 13, 2007. The Tyler Ski Club requested that the lease agreement be renewed for another year and the City Council approved the request at the October 22, 2008, Council Meeting. This extended the lease through September 13, 2009. The Tyler Ski Club has again requested that the lease be renewed; however it is staff's recommendation that the City Council authorize the City Manager to execute a one year agreement with five automatic one year renewals, unless terminated by the City. Also the City will sign a lease agreement, which will allow members of the Tyler Ski Club to ski on Lake Bellwood through September 14, 2014, unless terminated by the City.

Councilman Alworth – Asked if the Cascade owners with the lake front property will they be allowed to run a ski boat?

Greg Morgan, Director of Utilities & Public Works – Stated that they will be allowed to run ski boats if they join the Tyler Ski Club in a limited area on the slalom course only.

Councilman Alworth - Asked would that still be under the control of maximum of two boats?

Greg Morgan, Director of Utilities & Public Works – Stated, “Yes, it is under the restrictions of the lease agreement.”

Councilman Alworth – Asked if during the five renewals can you change the terms during those years if necessary without having to come to Council?

Greg Morgan, Director of Utilities & Public Works – Stated that, “no sir, we can not, what we can do if there is a need to change the terms is bring it back before Council with a recommendation to cancel and enter into a new lease agreement.”

Councilman Alworth - Stated that Council specifically stated in approving the lake plan for Bellwood that there was to be no wake zone on the lake, so that should not be forgotten.

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 5 - 0 & approved as presented.

- M-8 Request that the City Council consider awarding bids opened September 3, 2009, for the purchase of various annual chemical price agreements for chemicals, from October 1, 2009 thru September 30, 2010, to the listed vendors. & pick 1 of tied bid by lot (Air Gas)**

Motion by Councilman Alworth; seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.

- M-9 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for street materials, from October 1, 2009 thru September 30, 2010, to the listed vendors.**

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.

- M-10 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for pipe, fittings and meter boxes and lids, from October 1, 2009 thru September 30, 2010, to the listed vendors.**

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.

CONSENT

(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 ratifying staff action for payment to Tex-Sand Sports Turf Specialty, Incorporated of Hawkins, Texas, for the field grading work at Faulkner Park Girls Fast Pitch field three in the amount of \$33,290.00.
- C-A-2** Request that City Council consider approving a professional consulting services agreement for employee benefits with RWL for the 12 month period starting January 1, 2010. ©
- C-A-3** Request that the City Council consider approving the continued participation in the Texas State DIR Program and General Services Commission Local Government Purchasing Program for fiscal year 2009-2010 by adopting a resolution and authorizing the City to renew several annual leases for technology equipment including computers, software, and telephones from IBM previously obtained through this program. (R-2009-30)

Motion by Mayor Pro Tem Sanders; seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.

CITY MANAGER’S REPORT

CMR-1 Presentation of new department heads appointed by City Manager.

- 1. Jimmie Johnson as Dir. Water Quality
 - 2. Stephanie Rollings, Parks Director
 - 3. CIP update Report
- Mayor
- 1. Assistant City Manager, Scott Wall working
 - 2. Citizen Against Crime party last night

RECESS FOR EXECUTIVE SESSION – City Council convened into Executive Session at 9:55 am

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

-under section 551.087 “Economic Development” deliberation regarding the following:

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

- 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

October 14, 2009

City Council reconvened from Executive Session at 10:28 am with no action taken.

ADJOURNMENT

Motion by Mayor Pro Tem Sanders; seconded by Councilman Caraway; motion carried 5 - 0 & approved as presented.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK