

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
AUGUST 12, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 12, 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
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
Assistant City Attorney: Deborah Pullam
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
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
Director of Utilities & Public Works: Greg Morgan
Street Operations Manager: Robin Smart
Traffic Engineer: Peter Eng
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

Motion by Councilman Alworth to approve the April 22nd, May 13th and May 20, 2009 minutes; seconded by Councilman Caraway; motion carried 5 – 0 approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

20 Years

Richard Cashell

July 3, 1989 to July 3, 2009

Richard Cashell went to work for the City of Tyler on July 3, 1989 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Richard with an award for his 20 years of service with the City of Tyler.

David Cook

July 3, 1989 to July 3, 2009

David Cook went to work for the City of Tyler on July 3, 1989 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present David with an award for his 20 years of service with the City of Tyler.

Juan Landeros

July 21, 1989 to July 21, 2009

Juan Landeros went to work for the City of Tyler on July 21, 1989 as a Laborer in the Parks and Recreation Department. On November 3, 1997 he was promoted to Groundskeeper, the position he currently holds. We are pleased to present Juan with an award for his 20 years of service with the City of Tyler.

Retirees

Max Nash

July 16, 1979 to July 24, 2009

Max Nash went to work for the City of Tyler on July 16, 1979 as a Fireman in the Fire Department. On September 1, 1982 he was promoted to Fire Driver and on August 12, 1986 he was promoted to Lieutenant. On March 11, 1988 he was promoted to Assistant Fire Marshall and on December 9, 1993 he was promoted to Fire Marshall, the position he held until his retirement. We are pleased to present Max Nash with a proclamation for his 30 years of service with the City of Tyler.

William Whitmill

October 4, 1976 to July 31, 2009

William Whitmill went to work for the City of Tyler on October 4, 1976 as a Laborer in the Solid Waste department. On February 8, 1981 he was promoted to Refuse Truck Driver and on May 5, 1986 he was promoted to Foreman, the position he held until his retirement. We are pleased to present William Whitmill with a proclamation for his 32 years of service with the City of Tyler.

Don Williams

March 1, 1982 to July 11, 2009

Don Williams went to work for the City of Tyler on March 1, 1982 as a Fireman in the Fire Department. On May 27, 1987 he was promoted to Fire Driver, the position he held until his retirement. We are pleased to present Don Williams with a proclamation for his 27 years of service with the City of Tyler.

These employees represent over 149 years of service with the City of Tyler.

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

Manuel	Angulo	Code Enforcement Officer	Neighborhood Services
Peter	Eng	Traffic Engineer	Traffic Department
Roxanne	McKinley	Transportation Operations Coordinator	Transit Department
Bianca	Cortez	PS Telecommunicator	Police Department
Lakisha	Reed	Public Safety Officer	Police Department
Stephen	Boles	Equipment Mechanic II	Vehicle Services
Gregory	Cantrell	Equipment Mechanic II	Vehicle Services

Will Sharkey, Mayor for the Day

A-3 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2008-2009 Budget document from the Government Finance Officers Association of the United States and Canada.

Mayor Bass presented Daniel Crawford and the Budget committee with the “Distinguished Budget Presentation Award” for its Fiscal Year 2008-2009 Budget document from the Government Finance Officers Association of the United States and Canada.

ZONING



Z-1 APPLICATION C08-09-007 WILLIAM ALAN CLOVER (ALLEY)
Request that the City Council consider closing an alley connecting Summerkamp Street and Gentry Parkway.

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

PRESENTATIONS

P-1 Request that the City Council consider designating Galloway Calhoun as a Half Mile of History recipient.



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



P-2 Request that the City Council consider designating Carnegie Library as a Half Mile of History recipient.

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



P-3 Request that the City Council consider designating Horace Chilton as a Half Mile of History recipient.

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



P-4 Request that the City Council consider receiving a presentation from Planning Concepts on behalf of the Tyler Area Metropolitan Planning Organization (MPO) for the Regional Trail Plan.

Stephanie Rollings, Planning Concept – Gave a brief presentation regarding the Regional Trail Plan.



P-5 Request that the City Council considering receiving a presentation from the Neighborhood Services Department regarding the City's Neighborhood Empowerment Works (NEW) 2009 Spring Program in District No. 3, which is represented by Councilman Caraway.

Brenda Johnson, Director of Neighborhood Services – Showed a power point presentation concerning the City's Neighborhood Empowerment Works (NEW) 2009 Spring Program in District No. 3, which is represented by Councilman Caraway.

P-6 Request that the City Council considering receiving a presentation of the fiscal Year 2009–2010 Proposed Budget, then consider voting to place the proposed property tax rate on the September 23, 2009 City Council Agenda as an action item and scheduling public hearings on the proposed budget and proposed property tax rate to occur during the August 26, 2009 and the September 9, 2009 City Council Meetings. Appointed new Key Leader, Keidric Trimble

Mark McDaniel, City Manager – Gave a brief update concerning the fiscal Year 2009–2010 Proposed Budget.

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

RESOLUTION

R-1 Request that the City Council consider approving a Resolution nominating Brookshire Grocery Company for award of a State of Texas Enterprise Zone Project designation. (R-2009-25)

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

ORDINANCE

O-1 Request that City Council consider conducting the annual investment policy review and consider approving an Ordinance adopting an updated investment policy for the balance of the current fiscal year and for Fiscal Year 2009-10 as part of the annual review process. (O-2009-83)

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to award the construction contract for the Meyers Avenue Improvements Project, to the low bidder, Traylor & Sons, Inc., in the amount of \$266,519, which includes a Base Bid in the amount of \$114,189.50 and an Alternate Additive Bid in the amount of \$152,329.50.**

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

- M-2 Request that the City Council consider ratifying staff action in the payment of \$100,642.80 to the Texas Department of Transportation for the City's portion of the construction cost for the Hillsboro and Gentry Parkway Safe Routes to School Project.**

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

- M-3 Request that the City Council consider authorizing the City Manager to award the Bus Shelter Bid to Brasco International in the amount of \$67,189.00 for Tyler Bid No. 09-025.**

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

- M-4 Request that the City Council consider authorizing the City Manager to award the Bus Stop Improvement Bid to Utz & Associates in the amount of \$73,250.00 for Tyler Bid No. 09-030.**

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

- M-5 Request that the City Council consider approving the Bellwood Lake Master Plan as prepared by Planning Concepts, Incorporated. (Councilman Alworth – No wake on the lake)**


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

- M-6 Request that City Council consider authorizing the City Manager to award Proposal Number 09-023 for the Parks and Recreation and Open Space Master Plan to MHS Planning and Design, LLC of Tyler, Texas, for an amount not to exceed \$51,500 plus \$1,200 for reimbursable expenses.**

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Motion by Mayor Pro Tem Sanders; seconded by Councilman Simons; motion carried 5 - 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 renew an agreement with the United States Department of Justice, Drug Enforcement Administration to provide the Tyler Police Department's continued participation in the East Texas Drug Task Force.
- C-A-2** Request that the City Council consider declaring certain City of Tyler Information Technology Services equipment as surplus and authorize for disposal.
- C-A-3** Request that the City Council consider declaring the attached list of City of Tyler vehicles and miscellaneous vehicle parts as surplus and ready for auction.
- C-A-4** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain tract of land located at 315 Thigpen within the City of Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2009-26)**
- C-A-5** Request that the City Council consider authorizing the City Manager to execute an agreement with Natgun Concrete Tank Services for the removal of sealant from the Golden Road clearwell.
-  **C-A-6** Request that the City Council consider approving the assignment of the tax abatement agreement with Merit Tyler Property – 23, L.P., to Cebridge Acquisition, LP.

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

CITY MANAGER'S REPORT

- 1. Fire Fighters Association**
- 2. CIP reports**
- 3. Update on Grande**

RECESS FOR EXECUTIVE SESSION – No executive session

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

Pending or contemplated litigation involving Cascades and/or Western Rim developments

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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

ADJOURNMENT

Motion by Councilman Simons to adjourn the meeting at 10:31 am; seconded by Councilman Alworth; motion carried 5 - 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK