

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
JANUARY 13, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 13, 2010 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 Mark Whatley
City Manager:	Mark McDaniel
Asst. City Manager:	Scott Wall
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullam
Assistant City Attorney:	Karen Stead
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Fire Chief:	Neal Franklin
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Parks and Recreation:	Stephanie Rollings
Fleet Administrator:	Russ Jackson
Manager of Water Quality and Production:	Jimmie Johnson
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

Motion by Councilman Alworth to approve the November 18, 2009 minutes; seconded by Mayor Pro Tem Sanders; motion carried 7 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

We would like to recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. These employees represent over 72 years of service with the City of Tyler.

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Retirees - Service Awards

Date of Hire	First Name	Last Name	Title	Department	Years of Service
03/08/1984	Walter "Connie"	Luther	Hardscape Technician	Parks and Recreation	25
10/04/1982	Terry C.	Tolar	Fire/Driver/Engineer II	Fire	27

Service Awards

Date of Hire	First Name	Last Name	Title	Department	Years of Service
12/21/1989	Steven M.	Kean	Deputy City Attorney	Legal	20

A-2 New Hires Recognitions

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

Ronald W.	Chancellor	Laborer	Lake Tyler
Ethan B.	Johnson	Police Recruit	Police
Ronnie	Cannon	Maintenance Repairer	Water Distribution
Darwin	Spencer	Bus Driver	Transit

ZONING

Z-1 APPLICATION C12-09-004 LARRY MORRIS (UNIMPROVED STREET)

Request that the City Council consider closing an unimproved portion of South Vine Avenue right of way connecting West 10th Street and Frankston Highway. (O-2010-1)

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

Z-2 APPLICATION C12-09-005 DAVID M. FENDER FAMILY PARTNERSHIP LTD. (IMPROVED ALLEY)

Request that the City Council consider closing an improved alley connecting to South Spring Avenue. (O-2010-2)

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

Z-3 F01-10-027 THORN HILL ADDITION, FIRST AMENDMENT, AMENDING REPLAT OF LOTS 3 AND 4 OF THE THORN HILL ADDITION

Request that the City Council consider approving a two lot plat including a waiver of \$7,240 in escrow costs.

 Motion by Councilman Alworth; seconded by Councilman Mezayek; motion carried 7 - 0 & approved as presented.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the City Manager to execute a Local Project Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TXDOT) for the construction of a traffic signal at the intersection of Loop 323 and Charlotte Drive/Silver Creek Drive. (R-2010-1)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to award a construction contract for Golden Road Water Treatment Plant Phase III Improvements to the low bidder, McKinney & McMillen, LLC, in the amount of \$1,255,305. ©

Motion by Councilman Alworth; seconded by Councilman Whatley; motion carried 7 - 0 & approved as presented.



M-2 Request that the City Council consider authorizing the City Manager to approve Change Order No. 1, in the amount of \$384,480 to the contract for the North Tyler Water and Sewer Improvements to relocate an existing 18-inch water line at the intersection of Loop 49 and Rhones Quarter Road. ©



Motion by Councilman Alworth; seconded by Councilman Whatley; motion carried 7 - 0 & approved as presented.

M-3 Request that the City Council consider authorizing the City Manager to enter into a contract with Freese and Nichols, Inc. for the purpose of obtaining a Municipal Setting Designation (MSD) to proceed with future redevelopment of downtown properties, and consider adopting an Ordinance amending the Fiscal Year 2009-2010 Budget to appropriate funds for said expenditure. (O-2010-3) ©

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

M-4 Request that the City Council consider authorizing the City Manager to execute an Oil and Gas Agreement to Amend Declaration of Pooled Units (Swann and Shamgar Units) and to Form New Pooled Unit (SST Unit). ©

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

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M-5 Request that City Council consider receiving patronage dividend refund check of \$55,951.69 from First Choice Cooperative. This refund is based on the City's purchasing volume on multiple commodity contracts.

Motion by Councilman Caraway; seconded by Councilman Mezayek; motion carried 7 - 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 authorizing the City Manager to approve an amendment to the existing CodeRED Services Agreement to allow the East Texas Council of Governments to renew the Agreement each year and pay for the service.

©

C-A-2 Request that the City Council consider receiving a rebate check in the amount of \$3,265.47 resulting from participation in the Local Government Purchasing Cooperative.

C-A-3 Request the City Council Consider ratifying the Emergency Expenditure for a Pump Replacement for the Shackleford Creek Lift Station in the amount of \$31,871.49.

C-A-4 Request that the City Council consider ratifying the emergency purchase of one new roll-off solid waste truck and consider purchasing one additional roll-off solid waste truck from Dallas Mack Sales and B&C Body through the HGAC purchasing cooperatives for a net amount of \$93,740.67 for both after trade in credits.

C-A-5 Request that the City Council consider awarding bids opened December 8, 2009, for the annual price agreements for wrecker service, from February 1, 2010 thru January 31, 2011, to lowest bidder, Isaacs Wrecker Service of Tyler, Texas. ©

C-A-6 Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.

C-A-7 Request that the City Council consider awarding bid opened December 8, 2009, to listed vendors for various vehicles.

C-A-8 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 12 "Airport and Transit", Article VII. "Transit", to correct the Section numbers. (O-2010-4)

C-A-9 Request that the City Council consider adopting an Ordinance amending Chapter 6, "Buildings and Structures", relating to adding a provision establishing rental fees for the Tyler Fire Department Training Facility. (O-2010-5)

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Motion by Councilman Alworth; seconded by Councilman Whatley; motion carried 7 - 0 & approved as presented.

BOARD APPOINTMENTS

B-1 Request that the City Council consider making an appointment to the Historical Preservation Board.

Motion by Councilman Simons to appoint Danny Noteware; seconded by Councilman Caraway; motion carried 7 – 0 & approved as presented.

CITY MANAGER'S REPORT

1. CIP update
2. Update on TxDot projects
3. Oncor Corporate Citizenship report
4. Annual Tyler 21 update coming soon
5. Industry Growth Initiative moving, getting changes as result of meetings
6. Simons – request Adaptive controllers on SW Loop update
7. Mayor – Fill in the banks campaign (food and blood)

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:31 am

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

- under Section 551.072 “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

- under section 551.071 “Litigation” deliberation regarding the following:

1. pending or contemplated litigation involving Western Rim and/or Cascades developments
2. pending or contemplated litigation involving the boundaries of the City’s ETJ

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 10:03 am with no action taken.

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ADJOURNMENT

Motion by Mayor Pro Tem Sanders to adjourn the meeting at 10:03 am; seconded by Councilman Mezayek; motion carried 7 - 0 & meeting adjourned.

Barbara Bass
BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

