

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
DECEMBER 10, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 10, 2008 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:	Bob Turner
City Manager Designate:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullum
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
Capital /City Projects Coordinator:	Bill Ward
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 Parks and Recreation:	John Webb
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Fleet Administrator:	Russ Jackson
Housing Service Manager:	Andy Davis
Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Mitch Marable
Manager/Water Utilities Business Office:	Joan Roberson
Municipal Court Administrator:	Cam McCabe
Director of Utilities & Public Works:	Greg Morgan
Street Operations Manager:	Robin Smart
Interim Traffic Engineer:	Justin Smith
Tyler Transit:	Gary Rushing
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

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Motion by Councilman Simons to approve the minutes for the November 12, 2008 meeting; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

AWARDS

A-1 Services Awards

30 years

Robert Moon

November 27, 1978-November 27, 2008

Robert Moon went to work for the City of Tyler on November 27, 1978, as a Fireman in the Fire Department and was promoted to Driver on December 16, 1984. He was promoted to Fire Captain on January 12, 1988 and promoted to Fire Captain II on January 18, 2008, the position he now holds. We are pleased to present Robert with a 30 year service award.

A-2 The following employees were hired by the City of Tyler during the month of November, 2008. We would like to take this opportunity to welcome these new employees.

Kathryn	Judd	Finance	Senior Benefit Specialist
Brian	Arnold	Fire	Firefighter Recruit
Ryan	Biggers	Fire	Firefighter Recruit
Damon	Daugherty	Fire	Firefighter Recruit
Justin	Dominy	Fire	Firefighter Recruit
Nathan	Gibbs	Fire	Firefighter Recruit
Travis	Milligan	Fire	Firefighter Recruit
Lynn	Statham	Fire	Firefighter Recruit
Kathleen	Jones	Parks	Activities Specialist
Misty	McCoy	VES	Senior Secretary
Donald	Peterson	VES	Equipment Mechanic II
Mark	Hodges	Traffic	Traffic Signal Technician
Charles	Loftin	Code Enforcement	Code Services Officer
Dwayne	Tyner	Code Enforcement	Code Services Officer
Eddie	Tangadunrat	Solid Waste	Senior GIS Analyst


A-3 Request that the City Council consider accepting, from the Government Finance Officers Association of the United States and Canada, the “Certificate of Achievement for Excellence in Financial Reporting” award for its Comprehensive Annual Financial Report for the period ending September 30, 2007.

Mayor Bass presented Chief Financial Officer, Daniel Crawford with the “Certificate of Achievement for Excellence in Financial Reporting.”

ZONING

Z-1 APPLICATION S11-08-102B HOWE-BAKER ENGINEERING, LTD
Request that the City Council consider renewing a Special Use Permit on Lot 5 of NCB 1424, one lot totaling approximately 37.24 acres of land located at the northeast corner of the intersection of East Fifth Street and Old Omen Road (3102 East Fifth Street). (O-2008-149)

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

 **Z-2 Z11-08-101B GABRIEL URIBE**
Request that the City Council consider changing the zoning from “R-MF”, Multi-Family Residential District to “R-1B”, Single Family Residential District on Lots 11 and 28 of NCB 96, two lots totaling approximately 0.271 acres located at the southeast intersection of Liberty Avenue and West Oakwood Street (504 Liberty Avenue). (O-2008-150)

Motion by Councilman Sanders; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

Z-3 APPLICATION C10-08-010B SMOKY MOUNTAIN CONDOS
Request that City Council consider closing improved rights-of-way known as Manassas Lane and Balsam Gap. The Manassas Lane portion begins at the intersection of Balsam Gap and Manassas Lane and extends approximately 99 feet north. The Balsam Gap portion begins at the intersection of Flat Rock Lane and Balsam Gap and extends approximately 83 feet east. (O-2008-151)

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

Z-4 F11-08-168A F11-08-168A TARDY SUBDIVISION, FINAL PLAT
Request that the City Council consider an appeal of Planning and Zoning Commission’s approval of a waiver of development exactions, specifically the escrow requirements for public improvements along County Road 47 related to the final plat for the Tardy Subdivision.

Director of Planning, Barbara Holly -

Cody Cowan, 2012 Anthony Drive – Stated that he understood the argument that City Council is making stating that his firm should be required to present some type of plan showing a proportionate as an argument. The local and state codes require the municipality to make a provisional determination of what the proportion amount should be.

Motion by Mayor Pro Tem Alworth based on the advice of City Attorney, City Council does not have the authority under state law as well as city ordinance, so it is recommended that Council overrule the recommendation of P & Z and overrule their extraordinary action in

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granting funds waiver and deny any waiver for either placing 200 feet of curbing on CR 155 or escrow into the construction funds to guarantee the curbing; seconded by Councilman Simons; motion carried 7 - 0 & approved as presented.

Staff to consider ordinance review to verify only City Council can waive escrow amounts



Z-5 APPLICATION A10-08-008B ONCOR ELECTRIC DELIVERY COMPANY

Request that the City Council consider annexing owner requested territory constituting approximately 39.326 acres of land located two lots north of the intersection of Rhones Quarter Road and Roy Road, and: (O-2008-152)

- A. Establish the new boundary of the City Limits;**
- B. Establish the new boundary of the Extraterritorial Jurisdiction;**
- C. Establish the new boundary of the City Council District Number 5;**
- D. Implement the Land Use Guide to reflect Multifamily, Neighborhood Commercial, and Industrial/ Manufacturing; and**
- E. Establish original zoning for 8.977 acres for “R-MF”, Multi-Family Residential District, 7.113 acres for “C-1”, Light Commercial District, and 23.235 acres for “M-1” Light Industrial District.**

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

ORDINANCE

O-1 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 Departments for Fiscal Year 2008-2009 as required by Chapter 143 of the Texas Local Government Code. (O-2008-153)

City Manager Designate, Mark McDaniel – Stated that the ordinance would allow a change in the Police Department administration by abolishing a Deputy Chief position and replacing it with an Assistant Chief position.

Police Chief, Gary Swindle – Stated that Deputy Chief Greg Griggs has had the opportunity to become Police Chief in Deer Park and so Chief Swindle has the opportunity to look at the Department from the top up and look at reorganization.

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

Police Chief, Gary Swindle – Announced that at a Promotional Ceremony on January 9, 2009 Lt. Dianna Jackson will become the new Assistant Police Chief.



O-2 Request that the City Council consider adoption of an Ordinance approving the appointment of directors for positions one through seven to the Board of Directors of Reinvestment Zone No. 3, in the City of Tyler, and appointing the Chair of the Board of Directors of Zone No. 3; appoint Regent Clint Roxburgh and Commissioner JoAnn

Hampton to position 8 and 9; and setting forth other provisions related thereto. (O-2008-154)

Mayor Bass stated that the first seven (7) positions are Council members and the Mayor as Chair.

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

Sanders exit

RECESS FOR TAX INCREMENT REINVESTMENT (TIRZ) ZONE TWO AND THREE BOARD MEETINGS AND TYLER REDEVELOPMENT AUTHORITY BOARD MEETING
-see separate TIRZ and Redevelopment Authority Board Meeting Agenda Postings

RECONVENE DECEMBER 10, 2008, CITY COUNCIL MEETING

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

MISCELLANEOUS



M-1 Request that the City Council consider approval of the tri-party agreement between the City of Tyler, Tax Increment Reinvestment Zone Board No. 2, and the Tyler Development Authority. ©

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



M-2 Request that the City Council consider approving the Project and Financing Plans for the North End Tax Increment Reinvestment Zone (TIRZ No. 3).

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



M-3 Request that the City Council consider authorizing the City Manager Designate to execute interlocal agreements by and between the City of Tyler and Smith County, Tyler Junior College providing for and the City of Tyler and participation in Reinvestment Zone No. 3. ©

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



M-4 Request that the City Council consider approval of the tri-party agreement between the City of Tyler, Tax Increment Reinvestment Zone Board No. 3, and the Tyler Development Authority. ©

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



- M-5** Request that the City Council consider authorizing the City Manager Designate to execute a contract with C.R. Reynolds, Inc. for the renovation of City Hall. ©
move to approve but delay notice to proceed to Feb 25, 2009, to get more financial data.

City Manager Designate, Mark McDaniel – Stated that on November 14, 2007 the City Council adopted the Tyler 21 Plan that included an action to “renovate the interior of city hall space and review space needs for city government.” As a result, in FY2007-08 the City Council authorized execution of a design contract with Fitzpatrick Butler Architects, Inc. to draw up plans/specifications and take bids for renovation of City Hall. Funding for actual renovations was re-appropriated in the current fiscal year in the amount of \$2,500,000 for this project in the Solid Waste Construction Fund as an interfund loan to be paid back over time from various funds. An additional \$150,000 was budgeted in the General Fund for audio/visual improvements and furniture to complete the renovations.

Mike Butler, Fitzpatrick Butler Architects - Gave a general overview of the scope of the project.

Mayor Pro Tem Alworth - Stated that this was a great plan and he was concerned at first because he did not want to see this attractive architected building upset.

Councilman Simons – Stated that he appreciated the attention to keeping the character of the building.

Mayor Bass – Stated that out of caution she would feel more comfortable if this project was delayed until sales tax numbers for November and December came in.

Motion by Mayor Pro Tem Alworth authorizing the City Manager Designate to execute a contract with C.R. Reynolds, Inc. for the renovation of City Hall with the stipulation that notice to proceed will be delayed until the 25th of February which is the second meeting in February; seconded by Councilman Simons; motion carried 6 - 0 & approved as amended.

(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 awarding security guard services at the Tyler Public Library for calendar year 2009 to the low bidder, Quality Consulting and Security Services, Inc., and authorizing the City Manager Designate to enter into a contract for such services. ©
- C-A-2** Request that the City Council consider approving the reconciliation change order and releasing final retainage in the amount of \$31,871.07 for the Skidmore Lane Water and Sewer Improvements. ©

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C-A-3 Request that the City Council consider approving Change Order No. 1 in the amount of \$18,000 to Contract No. TYL-276 to Red River Construction Co. for the expansion of the Gilley Creek Lift Station. ©



C-A-4 Request that the City Council consider authorizing the City Manager Designate to make a payment in the amount of \$53,000.00, for the purchase of Briarwood Estates Subdivision water systems from Southern Utilities Company.

C-A-5 Request that the City Council consider adopting an Ordinance correcting certain water and sewer fees in Tyler City Code Chapter 19. (O-2008-155)

C-A-6 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2008-29)



C-A-7 Request that the City Council consider authorizing the City Manager Designate to award a contract, in the amount of \$54,238.95, to T.J. Construction, for the demolition of structures within the right-of-way of the Lake Placid Road Project. ©

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

CITY MANAGER'S REPORT

1. Tyler 21 Steering Com. Annual follow-up on 1-28-09.
2. CIP Prioritization Project status – handout
3. Capital Improvements Summary Report – hand out
4. Press release announce Genecov Group has pledged \$500,000 for Liberty Theatre/ETSO
5. Merry Christmas to everyone
6. Holiday in park this Sat.; employees Christmas Dinner 12-18-08; and Christmas downtown 12-11-08.

RECESS FOR EXECUTIVE SESSION

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

-under section 551.074 "Personnel matters" deliberation regarding the following:

The performance evaluation and review of City Manager Designate

Because of satisfactory performance review, approve performance pay as set out in City Manager Designate contract.

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

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ADJOURNMENT

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

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK