

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
JUNE 10, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 10, 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
Council Members:	Charles Alworth
	Ralph Caraway
	Sam Mezayek
	Chris Simons
City Manager:	Mark McDaniel
City Manager Emeritus:	Bob Turner
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullam
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
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.

ELECTION

June 10, 2009

E-1 Request that the City Council consider electing a Mayor Pro Tem.

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

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1

Retirees

Mitch Marable

June 05, 1977 to May 31, 2009

Mitch Marable went to work for the City of Tyler on June 5, 1977 as a Plant Operator B in the Water Department and on May 1, 1980 he was promoted to Plant Operator A. On September 1, 1980 he was promoted to Chief Operator at the Southside Plant and on February 22, 1993 he was promoted to Waste Water Treatment Superintendent. On January 23, 2002 he was promoted to Manager of Water Production and Quality, the position he held until his retirement. We are pleased to present Mitch Marable with a proclamation for his 31 years of service with the City of Tyler.

James Russworm

September 16, 1977 to May 31, 2009

James Russworm went to work for the City of Tyler on September 16, 1977 as a Police Officer in Police Department, the position he held until his retirement. We are pleased to present James Russworm with a proclamation for his 31 years of service with the City of Tyler.

Tim Campbell

January 30, 1988 to May 31, 2009

Tim Campbell went to work for the City of Tyler on January 30, 1989 as the Athletic Director in the Parks and Recreation Department. On September 24, 1990 he was promoted to Recreation Superintendent and on January 6, 2003 he was promoted to Leisure Services Supervisor. Then on December 10, 2004 Tim was promoted to Recreation Program Operation Supervisor, the position he held until his retirement. We are pleased to present Tim Campbell with a proclamation for his 20 years of service with the City of Tyler.

These employees represent over **82** years of service with the City of Tyler.

A-2 Recognition of New Employees Hired May 2009

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

Mark	May	Airport Technician III	Airport
Betty	McFarland	Circulation Technician	Library
Edward	Brown	Police Recruit	Police Department
Ryan	Caldwell	Police Recruit	Police Department
Christopher	McNamara	Police Recruit	Police Department
Dion	Reed	Police Recruit	Police Department
Jamie	Tarrant	Police Recruit	Police Department
Suzanne	Green	Public Safety Telecommunicator	Police Department
Alexia	Hunter	Training Coordinator	Communications Dept.

June 10, 2009

ZONING

Z-1 APPLICATION F04-09-049 WAR-MAC SUBDIVISION, FIRST AMENDMENT, AMENDING REPLAT OF LOTS 3-9

Request that the City Council consider waiver of escrow requirements for a substandard street located four lots east of the northeast intersection of Lavender Road and Everett Drive as part of the War-Mac Subdivision. ©

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

Z-2 APPLICATION A06-09-003 CASCADES PROPERTIES



Request that the City Council consider annexing owner requested territory constituting, approximately 236.347 acres of land contained in McKinney & Williams Survey, A-727, and S.A. & M.G. Railroad Company Survey, A-963, Smith County, Texas, situated within the Cascades Residential Development, west of Loop 323 SSW and north of Spur 364.

Also consider establishing:

- A. The new boundary of the City Limits.**
- B. The new boundary of the Extraterritorial Jurisdiction.**
- C. The new boundary of the City Council Districts.**
- D. The Land Use Guide to reflect Commercial and Single-Family Low Density Land Use.**
- E. Original zoning of 6.038 acres of "C-1", Light Commercial District for the Cascades Clubhouse and Parking Lot and 230.309 acres of "R-1A", Single Family Residential District for the Cascades Golf Course and undeveloped land. (O-2009-69)**

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

Z-3 APPLICATION F06-09-052 REDMAN ADDITION, FINAL PLAT

Request that the City Council consider deferring escrow requirements for a substandard street located one lot east of the northeast intersection of Shiloh Road and Hightech Drive, as part of the Redman Addition. (O-2009-70) (provided that the contracts go through and if it is developed then the City will get the money to cover the street development).

Motion by Councilman Alworth to approve deferring the escrow requirements seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

Z-4 APPLICATION ZA05-09-002 UDC AMENDMENT BILLBOARD REPLACEMENT AND AWNING MAINTENANCE



Request that the City Council consider adopting an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending the sign regulations to clarify the existing billboard cap and replacement procedure, and to establish awning and canopy maintenance requirements and related definitions. (O-2009-71)

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

June 10, 2009

PRESENTATIONS

- P-1 Request that the City Council receive a presentation from the City's Tyler Apprentice Program (TAP) team members.**

City Council heard presentations from Cheryl McGinnis, Team Extraordinaire, Lance Yarema, Team Elite, and Mark Miers, Team Inspire for the Tyler Apprentice Program.

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution to authorize the application for and acceptance of Energy Efficiency and Conservation Block Grant (EECBG) Funds in the amount of \$1,005,700 for the purpose of upgrading the downtown traffic signal system. This resolution also accepts any grant amendments to increase the grant funding levels. (R-2009- 17)**

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

- R-2 Request that the City Council consider adopting a Resolution authorizing submission of a grant application for grant funds from the American Recovery and Reinvestment Act of 2009 and if offered, authorizing acceptance of a grant totaling \$1,744,631.00 for the purchase of five new transit vehicles, Transit depot parking lot and site improvements, and bus shelter improvements for the Tyler Transit Department. This Resolution also authorizes acceptance of any grant amendments to increase the grant funding levels. (R-2009-18)**

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

MISCELLANEOUS

- M-1 Request that the City Council authorize the City Manager to enter into a contract with Tripp Umbach and Associates for economic impact marketing services. ©**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a contract for animal shelter services. ©**

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

- M-3 Request that the City Council consider appointing a member to the Tyler Economic Development Council (TEDC) Executive Committee.**

Motion by Councilman Simons to appoint City Manager; seconded by Councilman Alworth; motion carried 6 - 0 & approved as presented.

June 10, 2009

(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 award a five-year Pool Plan Agreement to Xerox. ©

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

CITY MANAGER'S REPORT

1. CIP update report, prioritization of all projects under review by Sales Tax Board
2. City Hall minor construction items
3. Bob retirement event 6-11-09, 2-5pm
4. Budget process hand-out
5. Board appointment calendar

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:06 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. East Texas Digital Advertising & P Manziel v. City of Tyler et al

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 10:18 am with the motion by Councilman Alworth to move to accept settlement offer; seconded by Councilman Mezayek: motion carried 6 – 0 & approved as presented.

ADJOURNMENT

Motion by Councilman Caraway; to adjourn the meeting at 10:23 am; seconded by Mayor Pro Tem Sanders; 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