

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
JULY 22, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 22, 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 (absent)
	Sam Mezayek
City Manager:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
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 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
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Simons.

Motion by Councilman Alworth to approve the April 8, 2009 minutes; seconded by Mayor Pro Tem Sanders; motion carried 5 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for July 2009, for placing the highest premium on responsiveness to citizens' needs.

Mayor Bass presented Aaron Bower with the Blueprint Blue Ribbon Award winner for July 2009, for placing the highest premium on responsiveness to citizens' needs.

ZONING

Z-1 APPLICATION C07-09-004 YORKTOWN DRIVE

Request that the City Council consider closing a portion of the Yorktown Drive right-of-way beginning at the intersection of Roanoke Lane and continuing north for approximately 100 feet. (O-2009-77)

Director of Planning & Zoning, Barbara Holly – Stated that the Planning and Zoning Commission, by a vote of 6-0, recommends approval of the closure subject to:

- 1) Retaining a public utility easement across the abandoned right-of-way, and
- 2) The abandoned right-of-way being re-platted into the adjoining lots within six months of the closure, or by January 22, 2010.

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



Z-2 APPLICATION C07-09-005 MARY LANE

Request that the City Council consider closing approximately 0.144 acres of the Mary Lane right-of-way. The proposed closure begins at the intersection of Crosby Drive and continues east for 125 feet. (O-2009-78)

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

Z-3 APPLICATION C07-09-006 HUDNALL DRIVE

Request that the City Council consider closing a portion of the Hudnall Drive right-of-way beginning at intersection of Pollard Avenue and continuing east terminating at Fry Avenue. (O-2009-79)

Motion by Councilman Alworth subject to the abandoned right of way being re-platted into the adjoining lots within six months of the closure starting June 24, 2009; seconded by Councilman Mezayek; motion carried 5 - 0 & approved as presented.

Z-4 APPLICATION Z06-09-037 RICHARD REDMAN

Request that the City Council consider changing the zoning from “R-1A”, Single Family Residential District to “PCD”, Planned Commercial District with final site plan approval on Lot 36 of NCB 1092, one lot totaling approximately 8.096 acres located one lot east of the northeast intersection of Shiloh Road and Hightech Drive (2040 Shiloh Road). (O-2009-80)

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

Z-5 APPLICATION Z07-09-041 EDWARD JACOBS

Request that the City Council consider changing the zoning from “PMF”, Planned Multifamily Residential District to “R-1B”, Single-Family Residential District on a portion of Lot 2 of NCB 1445D, one lot totaling approximately 0.747 acres located at the northeast intersection of Haverhill Drive and McDonald Road (3922 McDonald Road). (O-2009-81)

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

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution approving the Housing Choice Voucher Program's Administrative Plan and Annual Plan Fiscal Year 2009-2010. (R-2009-23)

Housing Service Manager, Andy Davis - Gave a brief overview of the Housing Choice Voucher Program's Administrative Plan and Annual Plan Fiscal Year 2009-2010.

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

ORDINANCE

O-1 Request that the City Council consider approving an Ordinance adopting the FY 2009-2010 Community Development Block Grant (CDBG) and HOME Programs. (O-2009-82)

Debbie Davenport Hartung, Andrew Center – Thanked City Council for awarding grant to the Andrew Center.

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

MISCELLANEOUS

M-1 Request that the City Council consider reviewing and accepting the Revenue, Expenditure and Investment Report for the quarter ending June 30, 2009.

Chief Financial Office, Daniel Crawford -Gave a brief update on the Revenue, Expenditure and Investment Report for the quarter ending June 30, 2009.

Mr. Meckley, 401 Sutherland – Spoke against the expenditures of the city.

Councilman Simons – Stated that he would ask the Financial Advisors in the future to start putting all the expenses that Mr. Meckley is costing the tax payers and the City of Tyler for his requests for open records. Its time to put that line item in the financial reports to show how much money he is wasting our tax payers.

M-2 Request that the City Council consider authorizing the City Manager to enter into an amended Cooperative Agreement with the Northeast Texas Public Health District that includes current organizational changes, board size increase, and ability to borrow money under certain circumstances. ©

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

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(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 execute an Interlocal Election Contract with Smith County to perform certain election services for City Council Special Election to be held November 3, 2009. ©
- C-A-2** Request that the City Council consider authorizing the City Manager to execute a permanent right-of-way (ROW) use agreement with R's and J's Enterprise Incorporated (R's & J's) located at 6393 Paluxy Drive for the placement of a driveway in the City of Tyler ROW to R's & J's property. ©
- C-A-3** Request that the City Council considering declaring a City of Tyler vehicle as surplus property and approving the sale to the Tyler Independent School District.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase one International 7400 Crew Cab Utility Service Truck and Power Unit for a total purchase of \$125,159.
- C-A-5** Request that the City Council consider authorizing the City Manager to purchase eleven used Police Package Harley Davidson Motorcycles for a total purchase of \$141,900.
- C-A-6** Request that the City Council consider approving a Resolution authorizing continued participation with the Steering Committee of cities served by Atmos and authorizing the payment of .02 cents per capita to the Steering Committee to fund regulatory and related activities related to Atmos Gas delivery.
(R-2009-24)

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

CITY MANAGER'S REPORT

- 1. Appraisal Tax rolls, will be lower than initially suggested**
- 2. Continue to hold many positions open & closely look at training.**
- 3. Storm last night caused much damage in some areas of S. Tyler and Faulkner Park**
- 4. Peter Eng – New City Traffic Engineer**

RECESS FOR EXECUTIVE SESSION – Recess into Executive Session at 9:45 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. Pending or contemplated litigation involving denial of sewer service in Southwestern Tyler**
- 2. Pending or contemplated litigation involving development around Lake Bellwood**
- 3. Pending or contemplated litigation involving the boundaries of the City's ETJ**

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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

- 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 and encouragement of private investment.

Recess from Executive Session at 10:20 am with no action taken.

ADJOURNMENT

Motion by Councilman Mezayek to adjourn the meeting at 10:20 am; seconded by Mayor Pro Tem Sanders; 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