

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
NOVEMBER 11, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 11, 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 (**absent**)
Councilmembers: Charles Alworth
Chris Simons
Ralph Caraway (**absent**)
Sam Mezayek

City Manager: Mark McDaniel
Asst. City Manager: Scott Wall
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 Parks and Recreation: Stephanie Rollings
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Internal Auditor: Keidric Trimble
Manager/Water Utilities Business Office: Joan Roberson
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Simons.

Katie Rhodes of Van High School was the Mayor for the day.

Motion by Councilman Simons to approve the minutes of the May 27, 2009 and the June 10, 2009 meeting; seconded by Councilman Mezayek; motion carried 4 - 0 & approved as presented.

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ELECTIONS

- E-1 Request that the City Council consider canvassing the returns of the City Council Special Election held November 3, 2009 for East District, No. 5, and declaring the results of the Special Election set for that day by adopting an Ordinance declaring the results. (O-2009-115)**

Mayor Bass canvassed the returns of the City Council Election held November 3, 2009 as

East District No.5, For City Councilmember

Ron Shaffer – 347 Votes
Michael Tolbert – 104 Votes
Mark Whatley – 632 Votes
Keith A Pyron – 19 Votes

Motion by Councilman Alworth to approve the ordinance declaring the results of the election; seconded by Councilman Mezayek; motion carried 4 - 0 & approved as presented.

- E-2 Request that the Mayor administer the Oath of Office to the City Councilmember for Districts 5.**

Mayor Bass administered the Oath of Office to newly elected Councilmember, Mark Whatley for District 5, East.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

- A-1 Service Awards**

20 Years

Larry Sanders

October 30, 1989 to October 30, 2009

Larry Sanders went to work for the City of Tyler on October 30, 1989 as a Traffic Marker in the Traffic Engineering Department, the position he currently holds. We are pleased to present Larry with an award for his 20 years of service with the City of Tyler.

25 Years

Clay Allen

October 1, 1984 to October 1, 2009

Clay Allen went to work for the City of Tyler on October 1, 1984 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Clay with an award for his 25 years of service with the City of Tyler.

Reggie Conley

October 1, 1984 to October 1, 2009

Reggie Conley went to work for the City of Tyler on October 1, 1984 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Reggie with an award for his 25 years of service with the City of Tyler.

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Doyle Lynch

October 1, 1984 to October 1, 2009

Doyle Lynch went to work for the City of Tyler on October 1, 1984 as a Police Officer in the Police Department, the position he currently holds. We are pleased to present Doyle with an award for his 25 years of service with the City of Tyler.

Retirees

Harold Snyder

March 13, 1995 to October 30, 2009

Harold Snyder went to work for the City of Tyler on March 13, 1995 as a Police Officer in the Police Department, the position he held until his retirement. We are pleased to present Harold with a proclamation for his 14 years of service with the City of Tyler.

These employees represent over **109** years of service with the City of Tyler.

A-2 New Hires Recognitions

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

Chad	Baker	Firefighter Recruit	Fire Department
Jason	Wright	Firefighter Recruit	Fire Department
Douglas	Coffman	Residential Equipment Operator	Solid Waste
Shemada	Timmons	Residential Equipment Operator	Solid Waste
Steven	Torkelson	Traffic Signal Technician	Traffic Engineering
Leroy	Sparrow	Fleet Auditor	Vehicle Services
Jimmie	Johnson	Mgr. Water Prod. & Water Quality	Water Utilities

A-3 Request that the City Council consider recognizing the American Red Cross' Holiday Mail for Heroes campaign and sign a card to submit.

Tammy Prater – Stated that the American Red Cross' Holiday Mail for Heroes has a mission and that is to give every American the opportunity to say “thank you” to those who serve, and those who have served in the Armed Forces both present and in the past.

PRESENTATIONS

P-1 Request that the City Council hear a brief presentation regarding the benefits of volunteers to the City of Tyler.

Gary Swindle, Police Chief – Asked Gary Lynch to present City Council with a check for labor cost savings in the amount of \$233,169.00.

PUBLIC HEARINGS

H-1 Request that the City Council consider conducting a public hearing to obtain Citizen comment and consider adopting an Ordinance to amend the Community Development Block Grant (CDBG) Program 2007 Annual Plan and approve the reprogramming of

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funds. (O-2009-116)

Brenda Johnson, Director of Neighborhood Services – Gave a brief presentation on the Community Development Block Grant (CDBG) Program 2007 Annual Plan.

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

ORDINANCE



O-1 Request that the City Council consider adopting an Ordinance authorizing the issuance of the City of Tyler, Texas Water and Sewer System Revenue Bonds, Series 2009 in the amount of about \$21,710,000; pledging the net revenues of the City's Water and Sewer System to the payment of the principal and interest on these bonds; and enacting provisions incident and related to the issuance, payment, security and delivery of these bonds, including the approval and execution of a purchase contract, a paying agent/registrar agreement, an arbitrage rebate compliance agreement and the approval and distribution of an Official Statement. (O-2009-117)

Steven Adams, Specialized Public Finance – Gave a brief presentation on the Water & Sewer System Revenue Bonds.

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

MISCELLANEOUS

M-1 Request that the City Council consider an application from Calvin Clyde for a Certificate of Demolition for three houses located within the National Register Charnwood Residential Historic District at 313 and 315 E. Houston and 602 S. Fannin Avenue.

Andrew Clyde, 3336 Dinah Lane – Stated that he would like to demolish two houses and plant grass and remove two dead trees.

Councilman Alworth – Asked Mr. Clyde in planting the grass what will that do for the Butler Clyde house that is really a remarkable piece of architecture?

Andrew Clyde, 3336 Dinah Lane – Stated that they did not have a long term plan. With the removal of the homes, brush and debris you would be able to see the Butler house and it would make a much better viewing as a show piece for the entrance to the Historic District.

Councilman Alworth – Asked what would it cost per square foot to either build a new house or restore the houses?

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Bob Kemper – Stated that the most expensive home that he has gutted and repaired was in the neighborhood of \$130 per foot. To tear down and rebuild could be done in the neighborhood of somewhere around \$75-\$90 per foot.

Janie Menegay, 815 S. Broadway, Director of Historic Tyler – Stated that it is not historically valuable to save the houses.

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

M-2 Request that the City Council consider approving the Property and Casualty Insurance and claims handling contracts for the City of Tyler for fiscal year 2009-2010 with two 1-year renewal options.©

Motion by Councilman Alworth to approve and enter into a contract with McGriff, Seibels, and Williams. Renew the City's Third Party Administrator, Innovative Risk Management (TPA) and also extend current insurance coverage through November; seconded by Councilman Whatley; motion carried 5 - 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 approving the purchase of a Lenco Bearcat Armored Rescue vehicle as authorized by Section 1122 of the 1994 National Defense Authorization Act by utilizing grant funds from the Justice Assistance Grant (JAG) program through the State of Texas and the East Texas Council of Government.

C-A-2 Request that the City Council consider authorizing the City Manager to approve amendments to the Corporate Hangar/Operator Lease for Tract 12 at Tyler Pounds Regional Airport with Robyn M. Rogers and to the Corporate Hangar/Operator Lease for Tract 14 at Tyler Pounds Regional Airport with Bob L. Herd due to reconfiguration of the two leased tracts.

C-A-3 Request that the City Council consider approving the reconciliation change order and releasing final retainage to Reynolds and Kay, Ltd. for the South Tyler Pedestrian and Bicycle Trail Project.

C-A-4 Request that the City Council consider ratifying staff action in the amendment of the Professional Services agreement, with MHS Planning and Design, LLC, for the design of the South Tyler Pedestrian and Bicycle Trail, expanding the scope of services and increasing the fee by \$56,138.70 for a total contract amount of \$348,913.70.

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



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CITY MANAGER'S REPORT

1. Sales Tax Report graph for last 3 years
2. Congratulate those involved with Texas Downtown Conference Event, City got 4 rewards
3. Texas Historical Commission & National Historic Trust recognized Tyler as a Main Street City Nationally
4. Monthly CIP Report
5. Grande last phase should be opened by year end
6. Simons- re: Downtown, great public & private partnership
7. 2nd CC meeting in Nov is next week, Nov 18 and only 1 meeting in Dec.

RECESS FOR EXECUTIVE SESSION – No executive session

ADJOURNMENT

Motion by Councilman Alworth to adjourn the meeting at 10:00 am; seconded by Councilman Mezayek; 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