

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
DECEMBER 9, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 9, 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
Sam Mezayek
Mark Whatley

City Manager: Mark McDaniel
Asst. City Manager: Scott Wall
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
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
Budget/Internal Auditor: Keidric Trimble
Manager of Water Quality and Production: Jimmie Johnson
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

July 8, 2009	August 26, 2009	October 14, 2009
July 22, 2009	September 9, 2009	November 11, 2009
August 12, 2009	September 23, 2009	

Motion by Mayor Pro Tem Sanders to approve the minutes listed above; seconded by Councilman Caraway; 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 125 years of service with the City of Tyler.

Date of Hire	First Name	Last Name	Title	Department	Years of Service
10/02/1989	Dexter	Cook	Fire Captain I	Fire Department	20 Years
11/20/1989	Joey	Wiggins	Fire District Chief	Fire Department	20 Years
11/27/1989	Lara	Mason	Fire Inspector/Investigator Chief Treatment Plant	Fire Department	20 Years
11/20/1989	Steven	Matlock	Operator	Water Department	20 Years
11/20/1989	Les	Schminkey	Fire Captain II	Fire Department	20 Years
10/01/1989	Thomas	Giorgio	Police Lieutenant II	Police Department	25 Years

A-2 New Hires Recognitions

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

John	Perdue	Code Services Officer	Code Enforcement
Sheldon	Voudrie	Code Services Officer	Code Enforcement
Eric	Rozell	Firefighter Recruit	Fire Department
Robyn	Perdue	Circulation Technician	Library
Lara	Tabri	Collections Associate	Library
Stephanie	Vickers	Custodian	Parks Department
McKinley	Washington	Custodian	Parks Department
Lee	Davis	Police Recruit	Police Department
Ayasha	Eddins	Police Recruit	Police Department
Joseph	Cassin	Police Recruit	Police Department
Johnathan	Dickard	Police Recruit	Police Department
Amanda	McCollum	PS Telecommunicator	Police Department
Mariano	Rivas	Truck Driver	Street Department
William	Alexander	Truck Driver	Streets Department
Roy	German	Traffic Marker I	Traffic Engineering
Scott	Bullard	Plant Operator I	Water Department
Donald	Burleson	Plant Operator I	Water Department
Kevin	Miller	Plant Mechanic I	Water Department
David	Mata	Utilities Lab Analyst	Water Department

A-3 Request that the City Council consider accepting the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association of the United States and Canada for the City of Tyler’s Fiscal Year 2007 2008 Comprehensive Annual Financial Report.

Mayor Bass presented Daniel Crawford, Chief Financial Officer with the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association of the United States and Canada for the City of Tyler’s Fiscal Year 2007 2008 Comprehensive Annual Financial Report.

ZONING

**Z-1 APPLICATION Z11-09-006 JAMR PROPERTIES, LLC (2215 Roy Road)
Request that the Planning and Zoning Commission consider recommending a zoning change from “AG”, Agricultural District to “R-1A”, Single-Family Residential District, “RPO”, Restricted Professional Office District and a Special Use Permit for a special event center. (O-2009-125) Special Event Center must close weekdays at 10:00 pm and weekends at midnight**

Motion by Councilman Alworth; seconded by Mayor Pro Tem Sanders; motion carried 7 - 0 & approved; after citizen comment, Motion to Reconsider by Councilman Alworth, seconded by Councilman Whatley, motion carried 7 – 0 & approved; upon reconsideration motion by Councilman Alworth to amend original motion to also include Special Event Center hours to close weekdays at 10:00 pm and weekends at midnight; seconded by Councilman Whatley, carried 7 – 0 as amended and approved.

Sid Conn, Grace Avenue - Stated that he was here to represent the concerned owners of the West side of Grace Avenue. He stated that when they spoke to the Planning & Zoning Commission on November 3, 2009, they spoke in opposition of the propose zoning in tract 2. On November 3rd Mr. Conn spoke concerning the noise factor and the increase of vehicular traffic on Roy Road, which is a very heavily congested road. Roy Road is two lanes that run East and West and intersects with Paluxy on the far west end and on the east end with Rhones Quarter. At the November 3rd meeting, the citizens requested a buffer zone be made between the two properties to keep the natural beauty of the immediate area. This will have an impact on them as homeowners and they have written letters of opposition and filed with the Planning & Zoning. After hearing all the opposition, Planning & Zoning and Council have recommended approval of the zoning with the following stipulations: A 70 foot buffer zone of trees along the east side of the Jamr Properties and the trees in the buffer zone cannot be cut down. With the regards to the Event Center a curfew was enacted that the center would close at 10:00 pm on weekdays and 12:00 midnight on weekends and that was recommended.

**Z-2 F12-09-011 THE HILLCREST AVENUE ADDITION, FINAL PLAT
Request that the City Council consider approving a two lot plat including a waiver of \$3,361 in escrow costs.**

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Motion by Councilman Caraway; seconded by Councilman Mezayek; motion carried 7 - 0 & approved as amended.

Z-3 F12-09-018 WOLDERT'S BROADWAY ADDITION, FINAL PLAT
Request that the City Council consider approving a two lot plat including a waiver of right-of-way dedication along Broadway Avenue.

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

PRESENTATIONS



P-1 Request that the City Council hear a presentation regarding the draft outcomes of the Industry Growth Initiative.

Adam Levy – Gave a brief presentation regarding the Industry Growth Initiative.



P-2 Request that the City Council hear a presentation on the status of the City's Lean Sigma initiative.

Susan Guthrie and Guillermo Garcia - Gave a brief presentation on the status of the City's Lean Sigma initiative.

Councilman Mezayek exit

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2009-2010 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by September 30, 2009 as anticipated. (O-2009-126)

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

MISCELLANEOUS

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

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

M-2 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the fiscal year ending September 30, 2009.



Larry Meckley, 401 Sutherland – Stated that he wanted to thank the city for taking such good care of the money. Mr. Meckley also asked the City Council to cancel the maintenance agreement with the Cascades because the trails are in very bad condition.

Mayor Barbara Bass – Stated that the City has different types of trails and this is a nature trail. Your south side trails are paved and in a different format. The City will continue to monitor both to ensure they are maintained according to the type of trail that they are and according to the standards.

City Manager, Mark McDaniel – Stated that the City has looked at this trail on a number of occasions as a result of Mr. Meckley’s comments. It is important to understand that the money that we are paying the property owner is money that he put up initially and is withdrawing it down. In one sense it’s really not our money that we are providing back to him but for him to be accountable he has to keep the nature trail mentioned, clear. There are monthly inspections that are done and there is one scheduled next week. This is not an improved trail, not a concrete trail, not even a gravel trail, it is woods that are cleared to allow path for pedestrians.

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

M-3 Request that the City Council consider accepting a donation in the amount of \$318,018.13 from the estate of Joyce Kathryn Findley willed to the Tyler Public Library to be held in a separate donation account for the use of the Tyler Public Library.



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



M-4 Request that City Council consider accepting a donation in the amount of \$225,000 from Mr. Brandon Steele for the renovation of the former Liberty Theatre in downtown Tyler.

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



M-5 Request that the City Council consider authorizing the City Manager to execute an annual agreement with the Tyler Economic Development Council (TEDC) for services related to economic development. ©

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



M-6 Request City Council consider authorizing the City Manager to execute a Professional Services Agreement with Wisenbaker, Fix & Associates in an amount not to exceed \$200,000 for preliminary engineering services related to the routing, design and future



construction of the new, relocated Southside Wastewater Treatment Plant and related outfall sewer line. ©

Motion by Councilman Caraway; seconded by Councilman Whatley; motion carried 6 - 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 authorize the expenditure of \$72,882.85 for Mandated Water System Fee to the Texas Commission on Environmental Quality (TCEQ).

Councilman Alworth - Stated that he wanted to point out that the City is being required to spend \$72,000.00 for Mandated Water System Fee to the Texas Commission on Environmental Quality (TCEQ). A notification was given from the head of the Water Dept that this was a 117 percent increase over last year and that upsets me. This is a shortfall on the part of the State Agency that is being whacked on the backs of the citizens of the City of Tyler. Councilman Alworth stated that he wanted to let the public know that the States really is not treating the City of Tyler correctly.

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

C-A-2 Request that the City Council consider authorizing the City Manager to purchase technology equipment for the Municipal Court from Broadcast Works, in the amount of \$50,616, to enhance the efficiency and effectiveness of the Court Trial process.

C-A-3 Request that the City Council consider approving the purchase of two T3 electric mobility platforms from sole source vendor, John Wright Associates, for \$25,734 by utilizing grant funds from the Justice Assistance Grant (JAG) program.

C-A-4 Request that the City Council consider adopting an Ordinance amending Chapter 1, "General Provision", Article IX., "Disability Issues Review Board", by renumbering Sections 1-90 and 1-91. (O-2009-127)

C-A-5 Request that the City Council consider adopting a Resolution agreeing to provide defense and indemnity to a certain City employee who is a defendant in a lawsuit brought against him in his capacity as a City employee. (R-2009-33)

C-A-6 Request that the City Council consider adopting an Ordinance amending Chapter 12, "Airport and Transit", relating to adding a provision to affirm current Transit fees. (O-2009-128)

C-A-7 Request that the City Council consider adopting an Ordinance amending Chapter 4, "Offenses and Miscellaneous Provisions", updating and clarifying the Burglary Alarm provisions. (O-2009-129)

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

C-A-8 Request that the City Council consider authorizing the City Manager to execute an Interlocal Agreement with the City of Troup to provide building inspection services for the City of Troup. ©

Motion by Councilman Alworth to approve the rest of the consent agenda; seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

BOARD APPOINTMENTS

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

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

CITY MANAGER'S REPORT

1. **Monthly CIP status report**
2. **December 17, 2009 City employee Christmas Party**
3. **Police & Solid Waste Christmas dinner today**
4. **Holiday in the park this weekend**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:16 am

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

**-under section 551.087 "Economic Development" deliberation regarding the following:
No action taken**

Possible offer of financial or other incentive to a prospect and to consider financial and other information about that prospect/project with which the City is conducting economic development negotiations that could lead to a partnership in Tyler

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

The annual performance evaluation and review of City Manager.
Annual evaluation, not just satisfactory but outstanding.

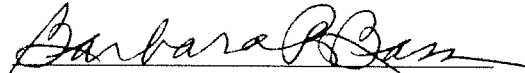
City Council reconvened from executive session at 10:58 am with the following action:

December 9, 2009

Motion by Councilman Alworth that the City Council met and discussed City Manager evaluation and it was exceptional; seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

ADJOURNMENT

Motion by Councilman Caraway to adjourn the meeting at 11:03 am; seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & meeting adjourned.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

