

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

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 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
City Manager:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Director of Neighborhood Services:	Brenda Johnson
Chief Financial Officer:	Daniel Crawford
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
Budget/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 Caraway.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

25 Years

Diannia Jackson

May 1, 1984 to May 1, 2009

Diannia Jackson went to work for the City of Tyler on May 1, 1984 as a Communications Operator in the Police Department. On July 13, 1987 she was promoted to Police Communications Supervisor and on September 28, 1987 she became a Certified Police Officer. On October 9, 1995 she was promoted to Police Sergeant and on September 4, 1998 she was promoted to Police Lieutenant. On January 9, 2009 she was promoted to Assistant Chief, the position she currently holds. We are pleased to present Diannia with an award for her 25 years of service with the City of Tyler.

September 9, 2009

30 Years

Daniel Ledkins

August 20, 1979 to August 20, 2009

Daniel Ledkins went to work for the City of Tyler on August 20, 1978 as a Meter Reader in the Water Utilities Department and on October 4, 1982 he transferred to the Fire Department to become a Firefighter. On January 10, 1993 he was promoted to Fire/Driver/Engineer and on June 8, 2003 he was promoted to Fire Captain, the position he currently holds. We are pleased to present Daniel with an award for his 30 years of service with the City of Tyler.

Retirees

Brian Allen

January 14, 1988 to August 31, 2009

Brian Allen went to work for the City of Tyler on January 14, 1988 as a Police Officer in the Police Department, the position he held until his retirement. We are pleased to present Brian Allen with a proclamation for his 21 years of service with the City of Tyler.

John Martin

June 9, 2006 to August 28, 2009

John Martin went to work for the City of Tyler on June 9, 2009 as a Bus Driver in the Transit Department, the position he held until his retirement. We are pleased to present John Martin with a proclamation for his 2 years of service with the City of Tyler.

These employees represent over 78 years of service with the City of Tyler.

A-2 The following employees were hired by the City of Tyler during the month of August 2009. We would like to take this opportunity to welcome these new employees.

Russell	Rockett	Advanced IT Specialist II	Information Technology
Guillermo	Garcia	Lean Sigma Master Black Belt	Communications Dept.
Andrew	McCustion	Firefighter	Fire Department
Mathew	Ottaberry	Firefighter	Fire Department
Fredrick	Jones	Residential Equip. Operator	Solid Waste Department
Adam	Townzen	Residential Equip. Operator	Solid Waste Department
Hubert	Vance	Residential Equip. Operator	Solid Waste Department

ZONING

Z-1 APPLICATION Z08-09-045 TYLER BRN PROPERTIES, LTD.

Request that the Planning and Zoning Commission consider recommending a zoning change from “R-1D”, Single-Family Detached District to “PMF”, Planned Multifamily District on Lot 15B, 15C, 15D, and 15E of NCB 1100C, four lots totaling approximately 0.76 acres located at the end of Garrett Drive on the north side of the road (8338 Garrett Drive). (O-2009-90)

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

September 9, 2009

- Z-2 APPLICATION S08-09-046 BARBARA STEWART**
Request that the City Council consider a Special Use Permit on Lots 5 6 and 7, NCB 739 for a home based day care. **(O-2009-89)**

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



- Z-3 APPLICATION Z09-09-055 ALINE WALLACE (1213 W CONNALLY STREET)**
Request that the Planning and Zoning Commission consider recommending a zoning change from “R-2”, Two-Family Residential District to “R-1B”, Single Family Residential District on Lot 73B of NCB 665B, one lot totaling approximately 0.09 acres located west of the northwest intersection of Ross Avenue and Connally Street (1213 W Connally Street). **(O-2009-91)**

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

PUBLIC HEARINGS

- H- 1 Request that the City Council consider conducting this second public hearing on the proposed fiscal year 2009-2010 Budget and on the proposed property tax rate of \$0.204000 per \$100 of taxable property value.**

Jason Wright, 9005 Old Hickory, -Grass Roots of America Association – Thanked the City Manager and City Council for their support of Grass Roots of America Association.

Larry Meckley, 401 Sutherland Dr. – Asked City Council about the Cascade maintenance agreement.

PRESENTATIONS



- P-1 Request that the City Council consider receiving a presentation on funding options for the Water and Sewer System capital improvements program that was initiated in February of 2008 with the issuance of \$5,150,000 out of an anticipated \$25,000,000 in revenue bonds and consider providing general guidance to staff regarding authorization to proceed with the second phase of obtaining CIP funding. **Withdrawn from consideration****

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution ordering Tall Timbers Utility Company, Incorporated to provide service to the Elk River Addition, Unit 1 and Harpers Ridge Addition, Unit 3. **(R-2009-27)****

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to enter into an Agreement between City of Tyler and University of Texas at Tyler for Use of Facilities as Medical Special Needs Shelter.**

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



- M-2 Request that the City Council authorize the City Manager to execute a “Memo of Understanding” from Tyler Independent School District (TISD) for the use of Faulkner Park Girls Fast Pitch Softball Fields and adopt an ordinance amending the Fiscal Year 2008-2009 Budget. © (O-2009-92)**

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

- M-3 Request that the City Council consider authorizing the City Manager to purchase a parcel of land in Western Tyler from Tyler Economic Development Council (TEDC) in order to relocate Fire Station No. 5 for a purchase price of \$58,544.64 and other consideration.**

Motion by Mayor Pro Tem Sanders to amend the purchase price of \$60,112.80 + closing cost; seconded by Councilman Simons; motion carried 6 – 0 & approved as amended.



- M-4 Request that the City Council consider approving a Certificate of Appropriateness for the proposed alteration of a Historic Landmark known as the Williams-Anderson House, located at 1313 W. Claude Street, Tyler, Texas.**

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

- M-5 Request that the City Council consider the 2009-2010 Annual Work Program for the One-Half Cent Sales Tax Capital Improvement projects under review for the next 60 days as required by the Corporation bylaws.**

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

- M-6 Request that the City Council consider authorizing the City Manager to award a construction contract for Drainage Improvements on Jeb Stuart Drive to the low bidder, East Texas Bridge, Incorporated in the amount of \$297,966.90. ©**

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

September 9, 2009

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 authorizing the City Manager to apply for and accept third year funding for a Comprehensive Traffic Grant in the amount of \$114,001.80 from the Texas Department of Transportation (TxDot). ©

C-A-2 Request that the City Council Consider authorizing the City Manager to approve an agreement with First Choice Cooperative whereby the City of Tyler can take full advantage of purchasing any and all items available through the Cooperative. ©

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

CITY MANAGER'S REPORT

CMR-1. Request that the City Council approve the City Manager's appointment of a new Assistant City Manager.

Motion by Councilman Alworth to approve the appointment of Scott Wall as new Assistant City Manager; seconded by Councilman Simons; motion carried 6 - 0 & approved as presented.

CMR-2. Request that the City Council consider alternative meeting schedules for November and December. (Move regular meeting of November 25th to November 18th and cancel the December 23rd meeting.)

Motion by Councilman Simons to approve alternative meeting schedules for November and December; seconded by Councilman Mezayek; motion carried 6 - 0 & approved as presented.

CMR-3 Susan and Benny have video streaming on-line today.

CMR-4 The City did not receive TPWD grant for Old Jacksonville trail.

CMR-5 Southern Utilities w/drew their rate increase request.

CMR-6 Grande ribbon cutting on Sutherland at 1:00 pm, on September 18th.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:50 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:

September 9, 2009

1. Pending or contemplated litigation involving collection of hotel motel fees;
2. Pending or contemplated litigation involving condemnation of Tall Timbers/Algonguin sewer system in Southwest Tyler and in ETJ;

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 10:10 am with no action taken

ADJOURNMENT

Motion by Mayor Pro Tem Sanders to adjourn the meeting at 10:10 am; seconded by Councilman Mezayek; motion carried 6 - 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK