

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
MAY 13, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 13, 2009 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Charles Alworth
Council Members:	Nathaniel Moran
	Donald Sanders
	Ralph Caraway
	Steve Smith
	Chris Simons
City Manager:	Mark McDaniel
City Manager Emeritus:	Bob Turner
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullam
Assistant City Attorney:	Karen Stead
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
Internal Auditor:	Keidric Trimble
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

EMPLOYEE AWARDS – RECOGNITION – SERVICE

A-1 The following employees were hired by the City of Tyler during the month of April 2009. We would like to take this opportunity to welcome these new employees.

Stormie	Phillips	Public Safety Tele-communicator	Police Department
Jesus	Garza	Laborer	Storm Water

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- A-2 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for May, 2009, for placing the highest premium on responsiveness to citizens' needs.**

Mayor Bass presented Blueprint Blue Ribbon Award to Debbie Isham for placing the highest premium on responsiveness to citizens' needs

- A-3 Request that the City Council consider receiving a presentation of police badges that commemorate the centennial of the police department.**

Police Chief Swindle presented City Councilmembers with police badges that commemorate the centennial of the police department.

ZONING



- Z-1 APPLICATION HD 04-09-001 HERITAGE NEIGHBORHOOD NO. 1**
Request that the City Council consider adopting an ordinance to allow for a Historic District Overlay to be placed on 19 properties generally bounded by Broadway Avenue, Lindsey Lane, College Avenue, and Rusk Street. (O-2009-53)

Bonny Edmonds – Gave comments and thanked the City Councilmembers for her husband who could not be here today.

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



- Z-2 APPLICATION NCO04-09-001 CUMBERLAND NEIGHBORHOOD CONSERVATION DISTRICT**
Request that the City Council accept an application and consider authorizing the Mayor to appoint a study committee to prepare criteria, standards and guidelines for the potential creation of the Cumberland Neighborhood Conservation District.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Moran; motion carried 7 - 0 & approved as presented.

PRESENTATIONS



- P-1 Request that the City Council consider designating the Tyler Public Library as a Half Mile of History recipient.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution nominating Delek Refining for award of a State of Texas Enterprise Zone Project designation. (R-2009-10)**

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

- R-2** Request that the City Council consider adopting a Resolution for supporting the Police Department Shared Police Emergency Armored Rescue (SPEAR) vehicle project and to permit application, authorization, and acceptance for grant funding through the State of Texas via the East Texas Council of Government from the Edward Byrne Justice Assistance Grant program for Fiscal Year 2009-2010 and to include authorizing the City Manager to allow for cooperative working agreements with regional law enforcement agencies as necessary regarding this project. (R-2009-11)

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; motion carried 7 - 0 & approved as presented.

- R-3** Request that the City Council consider adopting a Resolution to authorize the application for and acceptance of Federal Transit Administration (FTA) Grant Funds in the amount of \$1,258,758.00 for the purpose of providing public transportation for the Tyler Transit. This resolution also accepts any grant amendments to increase the grant funding levels. (R-2009-12)

Motion by Councilman Smith; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.



- R-4** Request that the City Council consider adopting a Resolution finding the necessity for the acquisition of the Tall Timbers' sewerage system, declaring the acquisition for a public purpose and authorizing condemnation for the fee simple interest in said property and also authorizing the City Manager to engage Flowers & Davis, PLLC, Mathews & Freeland, LLP and J. Stowe and Company for necessary professional service during the acquisition effort. (R-2009-13)

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; motion carried 7 - 0 & approved as presented.

MISCELLANEOUS



- M-1** Request that the City Council authorizing a payment to the Texas Department of Transportation for the City's voluntary construction participation in the amount of \$500,000 to construct Loop 49 from SH155 to SH31.

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

- M-2** Request that the City Council consider authorizing the City Manager to execute an Intergovernmental Agreement, Amendment of Ground Lease and Sublease with Tyler Independent School District and Boys & Girls Clubs of East Texas to allow for use of certain buildings at Ramey Elementary School/Fun Forrest Park by Boys & Girls Clubs of East Texas for youth activities. ©

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Motion by Councilman Moran; seconded by Councilman Sanders; motion carried 7 - 0 & approved as presented.



M-3 Request that the City Council consider the award of bids for the New Construction of two (2) single family dwellings.

Motion by Councilman Sanders; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

M-4 Request that the City Council consider amending the Tax Abatement Agreement with Trane Residential Systems. ©

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

M-5 Request that the City Council consider declaring Lot 1-A, NCB 792 and the existing abandoned Fire Station building located on said lot at the intersection of Old Troup Highway and South Beckham Avenue as surplus property and authorize the City Manager to advertise for bids to sell the property to the highest and best bidder.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; motion carried 7 - 0 & approved as presented.

M-6 Request that the City Council consider authorizing the Tyler Fire Department to apply for the 2009 Homeland Security Assistance to Firefighters Grant (AFG).

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

(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 for City Council to consider authorizing the City Manager to sign a “Letter of Agreement for Professional Investment Advisory Services” with Valley View Consulting to assist in coordinating the City of Tyler’s cash management and investment program. ©

C-A-2 Request for City Council to consider authorizing the City Manager to sign a “Letter of Engagement for Professional Audit Services” with Prothro, Wihelmi & Company to perform the Fiscal Year 2008-2009 Annual Audit. ©

C-A-3 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2009-14)



C-A-4 Request that the City Council consider authorizing the purchase of playground equipment for Fun Forest Park in the amount of \$46,010.03 from Southwest Parks and Playgrounds, L.P. of Denton, Texas, through the BuyBoard Purchasing Cooperative with grant funds from the Spangenberg Family Foundation.

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- C-A-5** Request that the City Council consider authorizing the City Manager to extend the Annual Fuel Price Agreement per bid number 07-031 to Beekat Oil and Fuel, of Tyler, Texas.
- C-A-6** Request that the City Council consider authorizing the City Manager to award multiple vendors for the annual price agreement for various categories of automotive and truck services and repairs per Bid 09-008. ©
- C-A-7** Request that the City Council consider authorizing the City Manager to purchase four new 2009 Police Package Harley Davidson Motorcycles for a total purchase of \$65,208.00.
- C-A-8** Request that the City Council consider authorizing the City Manager to execute an extra services amendment in the amount of \$23,000 to Wisenbaker Fix and Associates for an environmental review for the Highway 69 and Interstate 20 Water and Sanitary Sewer Improvements project. ©
- C-A-9** Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2008-2009 budget to appropriate \$127,575 in deferred HFC revenue funds for expenditure and award a contract for minor improvements to the Neighborhood Services Building. (O-2009-54) ©

Motion by Councilman Caraway; seconded by Councilman Sanders; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

Councilman Caraway thanked Councilmember Smith for donation to St. Louis Baptist Church for maintenance of abandoned cemetery.

Mayor Bass recognized Councilman Moran and Sam Mezayek as winners of the election held May 9th.

- 1. New Trails System opening, City has applied for supplemental grant to extend trail to Oak Hollow.**
- 2. Special Called Meeting on May 20th to canvass election results and elect Mayor Pro Tem**
- 3. Monthly CIP reports handed out.**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:05 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**
- 2. Contemplated litigation involving condemnation of Tall Timbers/Algonquin sewer system**

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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.

City Council reconvened from executive session at 10:36 am

No final action taken on Billboard lawsuit. Motion to suspend accepting any applications under City Code Section 10-432 and related sections for any new billboards within the City of Tyler and its extraterritorial jurisdiction until a new Section 10-432 section can be amended and approved. Motion by Councilmember Moran, seconded by Mayor Pro Tem Alworth; motion carried 7 - 0 & approved as presented.

ADJOURNMENT

Motion by Mayor Pro Tem Alworth; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK