

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
JUNE 23, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 23, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Ralph Caraway (absent)
Councilmembers:	Charles Alworth (out-going)
	Martin Heines
	Donald Sanders
	Sam Mezayek
	Mark Whatley
	Jason Wright (in-coming)
City Manager:	Mark McDaniel
Asst. City Manager:	Scott Wall
City Attorney:	Gary C. Landers
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
Communications Director:	Susan Guthrie
Director of Planning and Zoning:	Barbara Holly
Fleet Administrator:	Russ Jackson
Budget/Internal Auditor:	Keidric Trimble
Traffic Engineer:	Peter Eng
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Mezayek.

ELECTIONS

Request that the City Council consider canvassing the returns of the City Council Runoff Election held June 19, 2010 for District No. 6 Runoff Election set for that day and adopting an Ordinance declaring the results. (O-2010-53)

District No. 6, For City Councilmember

Kara Camp - 817 Votes

Jason Wright – 869 Votes

Motion by Councilmember Alworth to declare the results of the Election; seconded by Councilmember Heines; motion carried 6 - 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 60-years of service with the City of Tyler.

Service Awards

Date of Hire:	First Name:	Last Name:	Position:	Department:	Years of Service:
06/16/1980	Robert	Wade	Fire Captain II	Fire	30
06/16/1980	Evelyn	Cheatham	Administrative Assistant	Library	30

ZONING

**Z-1 APPLICATION Z06-10-041 BRUCE PRIMROSE (2019 and 2101 COLSTON DRIVE)
Request that the City Council consider changing the zoning from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2010-54)**

Motion by Councilmember Whatley; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

**Z-2 APPLICATION Z06-10-043 RYNO TEXAS HOLDINGS (2519 WEST GRANDE BOULEVARD)
Request that the City Council consider changing the zoning from "AG", Agricultural District to "C-1", Light Commercial District. (O-2010-55)**

Motion by Councilmember Sanders; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

**Z-3 APPLICATION Z06-10-045 DAVID MOORE (4011 AND 4015 OLD NOONDAY ROAD AND 3816 AND 3820 TUCKER STREET
Request that the City Council consider changing the zoning from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2010-56)**

Motion by Councilmember Sanders; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

**Z-4 APPLICATION Z06-10-046 TYLER MKH LTD (614 WEST DOBBS STREET)
Request that the City Council consider changing the zoning from "R-1B", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2010-57)**

Motion by Councilmember Sanders; seconded by Councilmember Heines; motion carried 6 - 0 & approved as presented.

- Z-5 APPLICATION Z06-10-038 WOLDERT RENTALS, LLC (4295 KINSEY DRIVE)**
Request that the City Council consider changing the zoning from "R-MF", Multi-Family Residential District to "RPO", Restricted Professional Office District. (O-2010-58)

Motion by Councilmember Mezayek; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

- Z-6 APPLICATION C06-10-009 STEVE ROOSTH (REEVES STREET)**
Request that the City Council consider closing an unimproved portion of Reeves Street between Oakland Avenue and South Beckham Avenue. (O-2010-59)

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, by establishing a new school speed zone with a speed limit of 35 mph for Jones-Boshear Elementary along a portion of Front Street. (O-2010-60)**

Motion by Councilmember Whatley; seconded by Councilmember Heines; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS



- M-1 Request that the City Council consider authorizing the City Manager to award the construction contract for the Earl Campbell Parkway and Old Noonday Improvements project, in the amount of \$14,080,727.91, to Longview Bridge and Road, Limited, of Longview, Texas. ©**

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



- M-2 Request that the City Council Consider accepting the Annual Review Of City Of Tyler Tax Abatements regarding Carrier Corporation, Hood Packaging, Sealtite, and Trane. ©**

Director of Planning and Zoning, Barbara Holly — Stated that The Carrier tax abatement agreement offered a 6th (bonus) year 2010 if 165 jobs were created and maintained 2007-2009. That goal was met in 2006-2008, but in 2009 Carrier employment dropped to 822 because a production line was moved to Mexico, costing about 300 jobs. As a result, Carrier does not qualify for the bonus year 2010 abatement.

Hood Packaging was granted abatement in 2007 for a new production line. This retention project involved no new jobs and retaining the base of 104. Average employment for 2009 was

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86, and according to the tax abatement agreement, 86 retained / 104 goal = 83 percent abatement for Tax Year 2010.

Sealtite Building Fasteners is the nation's third largest provider of fasteners for the metal building industry. Tax abatement was proposed in 2008 for an expansion that included a new building and over \$7 million in new equipment. Sealtite has exceeded the job goal by adding 63 new employees to a base of 99 (goal was 23 by December 2009).

Trane was granted tax abatement in 2007 for a \$4 million investment in a new research and testing laboratory that would create 16 new jobs while retaining nine. In 2009 the City of Tyler amended the tax abatement agreement to increase the allowable investment to \$6,222,000 for tax years 2009-2011. One new job has been created out of the 16 required by December 31, 2008; the Committee recommended 40 percent abatement for Tax Year 2009:

Status of tax abatement of 2010 taxes:

- Carrier did not qualify for a 6th (bonus) year 2010 and the abatement ends
- Hood - 2nd of 3 years; qualifies for 83% abatement of 2010 taxes as stated in the tax abatement agreement approved by the Tyler City Council and other taxing entities in Smith County
- Sealtite - 2nd of 4 years; 100% abatement of 2010 taxes recommended
- Trane - 3rd of 4 years; 40% abatement of 2010 taxes recommended

And it is recommended that the City Council accept the Annual Review of City of Tyler Tax Abatements regarding Carrier Corporation, Hood Packaging, Sealtite, and Trane and approve the tax abatements, including a one year extension of each agreement with the exception of the Carrier Corporation.

Motion by Councilmember Whatley; seconded by Councilmember Heines; motion carried 6 - 0 & approved as presented.

M-3 Request that the City Council consider approving the reconciliation change order and release final retainage to A.E. Shull and Company for the Old Omen Road project, from University Boulevard to Old Bascom, in the amount of \$8,470,555.13. ©

Motion by Councilmember Whatley; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

M-4 Request that the City Council consider authorizing the City Manager to award a contract in the amount of \$515,400 to Hefner Roofing for the replacement of the Harvey Hall/Parks Department roof at 2000 West Front Street and consider adopting an Ordinance amending the Fiscal Year 2009-2010 Budget to appropriate funds for said expenditure. (O-2010-61) ©

Motion by Councilmember Whatley; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

- M-5 Request that the City Council consider ratifying staff action authorizing an agreement with Aquatic Management Services in an amount not to exceed \$115,300 for the treatment of 128.14 acres of hydrilla in various locations around Lake Tyler East. ©**

Motion by Councilmember Mezayek; seconded by Councilmember Heines; motion carried 6 - 0 & approved as presented.

- M-6 Request that the City Council consider authorizing the City Manager to purchase seven Police package Chevy Tahoe's for a total purchase of \$172,949 by using previously awarded funding from the American Recovery and Reinvestment Act (ARRA) administered under the Edward Byrne Memorial Justice Assistance (JAG) Grant. ©**

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

- M-7 Request that the City Council consider approving a delay in the imposition of escrow requirement and authorizing an Improvement Agreement to ensure payment for necessary street improvements associated with the Lake View Development.**

Motion by Councilmember Sanders; seconded by Councilman Mezayek; 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 consider approving the final completion of thirteen restrooms and concession facilities in various City parks.**
- C-A-2 Request that the City Council consider a Resolution authorizing continued participation with the Steering Committee of Cities served by Oncor and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company LLC. (R-2010-16)**
- C-A-3 Request that the City Council ratify the sale of one City surplus vehicle to the City of Arp, for a total amount of \$12,500.**
- C-A-4 Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.**
- C-A-5 Request that the City Council Consider authorizing the City Manager to execute a partial release of the 10-foot storm sewer easement associated with Lot 3, NCB 656-D (2003 Merrimac), Tyler, Texas. ©**

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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 oil, lubricants and anti-freeze per Bid No. 10-012.

Motion by Councilmember Whatley; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. July 28 bring Annual Street Maintenance Program
2. Mayor appointed Street Task Force, met yesterday, complete within 2 months.
3. City Manager meet with all employees and departments, cards to hand out "Called To Serve"

RECESS FOR EXECUTIVE SESSION – No executive session

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. TCEQ docket involving LNVA
2. Condemnation & TCEQ docket involving TTUC (Algonquin)

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

ADJOURNMENT

Motion by Councilmember Whatley; seconded by Councilmember Wright; motion carried 6 - 0 & approved as presented; meeting adjourned at 9:50 am. .


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

