

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 8, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 8, 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  
 Councilmembers: Martin Heines  
 Donald Sanders  
 Mark Whatley  
 Sam Mezayek  
 Jason Wright

City Manager: Mark McDaniel  
 Asst. City Manager: Scott Wall  
 City Attorney: Gary C. 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  
 Budget/Internal Auditor: Keidric Trimble  
 Director of Utilities & Public Works: Greg Morgan  
 City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Caraway

Motion by Councilman Mezayek to approve the minutes for the August 25, 2010 meeting; seconded by Mayor Pro Tem Caraway; motion carried 6 - 0 & approved as presented.

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of August 2010. We would like to take this opportunity to welcome these new employees.

**New Employees**

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Lisa	Bennett	Sr. PST II	Police
Kathryn	Bond	PST I	Police



## PRESENTATIONS



**P-1 Request that the City Council considering receiving a presentation from the Neighborhood Services Department regarding the City's Neighborhood Empowerment Works (NEW) 2010 Spring Program in District No. 4, represented by Councilman Heines.**

**Brenda Johnson, Director of Neighborhood Services** – Gave a brief presentation on the Neighborhood Services Department regarding the City's Neighborhood Empowerment Works (NEW) 2010 Spring Program in District No. 4, represented by Councilman Heines.

## PUBLIC HEARINGS

**H-1 Request that the City Council consider conducting the second public hearing on the proposed fiscal year 2010-2011 Budget and on the proposed property tax rate of \$0.208865 per \$100 of taxable property value.**

**Richard Blake, Grassroots America We the People** – Our goal is to do our part to insure that the government entities are spending our tax dollars in a common sense, physically responsible manner and are being called to account when they don't. We compliment the Mayor, Council, City Manager and Staff for their hard work and effort in submitting a proposed budget less than the current budget. However, it's apparent that Grassroots America still has a lot of work to do. Since every taxing body in Smith County has chosen to approve budgets that require tax increases rather than making hard decisions necessary to live within their means, as all of us in the private sector have had to do. While we all hope for an economic turnaround it is most likely that this will not come any time soon as the continued borrowing and obscene spending at the federal level is just not sustainable. Once again we urge the Council to adopt the current tax rate for the 2010-2011 budget and not raise taxes. Then while hoping for the best, begin to prepare for the worst by immediately putting every City expense under the magnifying glass to see where additional cuts can be made. These are just a few of our recommendations: bring the City retirement program in line with that of the private sector, consider the necessity and or viability of operations that are requiring a transfer of funds from other operations to maintain their solvency, and insure that the half cent tax rate is used for infrastructure and not economic development with streets and drainage a top priority of funding from this tax. Begin a top to bottom analysis of all departments and the services or functions they provide to determine if the service or function absolutely necessary; is it a fundamental or mandated function of city government; is it been done in the most efficient and cost effective manner possible; can the service or job be combined with another; is the value of the job or service worth what it is being paid for it; and can community volunteers be utilized anywhere other than where they are already being utilized. In closing more than likely you will vote for a city budget that includes this tax increase but remember just as higher prices drive away customers higher City, County, Tyler Junior College, TISD, ESD2 taxes will eventually drive away people and business...as we have seen happen in New York and California and other States. Don't forget that in our representative republic form of government, you and the city employees are here by the consent of the citizens to serve the citizens. While no doubt most of our city employees are dedicated and hard working it is not the duty nor the responsibility of the tax payers to guarantee a job and the accompanying benefits to everyone that chooses to work for the public.



**Doyle Beasley, Captain Tyler Fire Department** – Stated that he wanted to thank Mayor Bass, Council and City Manager, Mr. McDaniel for allowing him to address the Council. More importantly thank you for the outstanding job that you have done in the past and will continue to do in the future, and for taking care of the Tyler business matters. Facts that Mr. Beasley pointed out are that Tyler has one of the lowest property tax rates, no tax reported debt, pay cash for most infrastructure projects, have a triple A bond rating, have a Fire Department with an ISO protection rating of 2 among only 4 percent in the State, Police Department is accredited, we have a water supply for the next 75 years, we have landfill space for the next 100 years, we have one of the lowest residential solid waste rates in the State, and we have approximately the same number of employees that we had in 1985. Tyler is one of the only few cities in the Nation to launch a Lean Sigma program to become even more efficient in its expenditures. What does all this mean? It means that every expenditure in the City of Tyler is scrutinized by this Council including employee wages, benefits, and pension contributions. You can only achieve this kind of result with quality leadership and qualified employees. You can only keep qualified employees with a fair incentive package.

**Larry Meckley, 401 Sutherland** – Asked City Council to respect the citizens of Tyler by not raising their taxes. Two previous Mayors reduced property taxes over the last 12 years and now the City is raising taxes and this is unacceptable. Mr. Meckley asked that no more pay raises be given until all frozen job positions are filled. Traffic is one of the city's biggest concerns and the other concerns are public safety, low taxes, employment and management growth. It appears that the City is more focused on building downtown Tyler than easing traffic congestion. Mr. Meckley stated that the salary plan is out of sync and needs a change immediately.

**Richard Cashell, 1521 Rice Road, President of the Tyler Petroleum Patrolman Association and member of the Fraternal Order of Police** – Stated that those two organizations represent the men and women who serve the citizens of Tyler's Police Officers. We have worked closely with City Manager, Mark McDaniel, during this economic down turn to be part of the solution to balance the budget. We have forgone raises during the last couple of years and we understand the city has received less sales tax revenue during this down turn. The outcry has been to compare public safety and public employees with the private sector in particular with regards to our retirement. We don't see that there is any comparison and we don't mean to demean anyone else for the job that they do or their duties but we are different. We don't have the luxury to seek shelter while waiting for help, we are that help. We ask the city to continue to uphold the promises that were made to us when we were hired as part of the benefits package with healthcare and retirement. We have also felt the pinch of this economic downturn, we have forgone raises and shared in the budget tightening. We need to be able to focus on the public safety of our city without worrying about whether our retirement will be funded at the level we were promised or whether it will be cut. If the burden is shared by all it will be a smaller burden than by placing it all on a few who have given so much in terms of time away from their families and dangerous working conditions.



**ORDINANCE**

- O-1 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by adjusting the limits of the one-way segment of East Erwin Street between Spring Avenue and Center Street. (O-2010-91)**

Motion by Councilmember Heines; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

- O-2 Request the City Council consider adopting an Ordinance approving a negotiated solution between the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”) and ATMOS ENERGY CORP., MID-TEX DIVISION (“Atmos MID-TEX” or “company”) regarding the company’s third rate review mechanism (“RRM”) filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos MID-TEX’S proof of revenues; extending the RRM process for two cycles and adopting a new RRM Tariff; and ratifying the settlement agreement, including cost recovery for a steel service line replacement program. (O-2010- 92)**

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

- O-3 Request that the City Council consider adopting an Ordinance amending Tyler City Chapter Code Chapter 19 by adding a new Article XI titled “Illicit Discharge and Stormwater Connection.”, and establishing fines for violations of the Ordinance in City Code Section 1-4. (O-2010- 93)**

Motion by Councilmember Wright; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

**MISCELLANEOUS**

- M-1 Request that the City Council review and consider approving the attached Smith County 9-1-1 District Budget for the Fiscal Year beginning October 1, 2010 and ending September 30, 2011.**


Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 7 - 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).**



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- C-A-1** Request that the City Council consider ratifying the application for Federal Transit Administration and Texas Department of Transportation Grant funds for public transportation services for Tyler Transit.
- C-A-2** Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.
- C-A-3** Request that the City Council consider declaring Lot 46A, NCB 659B (1608 W. 6TH Street), part of Mt. Lebanon Subdivision, as surplus property and authorize the City Manager to sell the property to the highest and best advertised bidder.
-  **C-A-4** Request that the City Council consider authorizing the City Manager to sell Lot 22, NCB 142 (307 N. Fuller Avenue), part of Wimberly Douglas Subdivision, and a HIP Program eligible property to the highest and best advertised bidder.
- C-A-5** Request that the City Council consider a Resolution authorizing the City Manager, the Police Chief, or the Fire Chief the ability to respond to or to make a request for emergency mutual aid assistance pursuant to the State of Texas Mutual Aid System defined in Chapter 418 of the Texas Government Code and to provide the authorization to permit the City Manager to enter into a mutual aid agreement to provide or respond to a request for said mutual aid. (R-2010-25)
- C-A-6** Request that the City Council consider a Resolution authorizing the City Manager and the Police Chief to enter into an Interlocal Mutual Aid Agreement on behalf of the City of Tyler Police Department with the Tyler Junior College Police Department that will facilitate effective and mutually beneficial law enforcement assistance to safely resolve emergency situations that may occur within the shared jurisdictions. (R-2010-26)
- C-A-7** Request that the City Council consider a Resolution authorizing the City Manager and the Police Chief to enter into an Interlocal Mutual Aid Agreement on behalf of the City of Tyler Police Department with the University of Texas at Tyler Police Department (UTTPD) to facilitate effective and mutually beneficial law enforcement assistance within the agency's concurrent jurisdiction. (R-2010-27)

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

## **BOARD APPOINTMENTS**

- B-1** Request that the City Council consider appointing a Chairman for the Parks Board and appointing or reappointing members to the Keep Tyler Beautiful Board and Tyler Historical Preservation Board.

Motion by Councilman Whatley; seconded by Councilman Mezayek to appoint John Adkins at Chair for the Parks Board; motion carried 7-0 & approved as presented.

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Motion made by Councilman Mezayek; seconded by Mayor Pro Tem Caraway; to appoint Phyllis Carlyle, Mary Burch, Nita Meads, Jodie Meyer, Anwar Khalifa and Patricia Parsons to the Keep Tyler Beautiful Board; motion carried 7- 0 & approved as presented.

Motion by Mayor Pro Tem Caraway; seconded by Councilman Mezayek to appoint Loretta Kelldorf to the Historical Preservation Board; motion carried 7-0 & approved as presented.

### **CITY MANAGER'S REPORT**

1. City Hall renovation progress will continue thru October
2. Used remote access for P& Z this week

**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 551.087 “Economic Development” deliberation regarding the following:**

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

City Council reconvened from executive session at 10:23 am with no action taken.

### **ADJOURNMENT**

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented; meeting adjourned at 10:23 am.

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

