

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
May 11, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 11, 2011 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  
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: Tim Johnson  
City Police Chief: Gary Swindle  
Communications Director: Susan Guthrie  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
Housing Service Manager: Andy Davis  
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.

**MINUTES**

Motion by Mayor Pro Tem Caraway to approve the minutes of the April 27, 2011 meeting; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 New Hire Recognitions**

The following employee(s) were hired by the City of Tyler during the month of April 2011. We would like to take this opportunity to welcome these new employee(s).

New Employees

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Anne	Payne	Liberty Hall Manager	Liberty Hall
Clarence	Anderson	Custodian	Parks & Recreation
Mike	Driggers	Groundskeeper	Parks & Recreation
Ellioth	Sanchez	Laborer	Parks & Recreation
April	Davis	Public Service Telecommunicator I	Police
LaShondria	Jefferson	Public Service Officer	Police
Courtney	Stiefer	Secretary	Police
Armando	Chavez	Semi-Skilled Laborer	Stormwater
Michael	Cox	Equipment Operator I	Streets
Lawrence	Starling	Truck Driver	Streets
Joe	Helen	Truck Driver	Waste Water Collection

ZONING

**Z-1 APPLICATION A04-11-003 GRANDE BOULEVARD (ABSTRACT A0616 V LOUPEY TRACTS 32A, 32, 33, 34; ABSTRACT A0690 L MCGUIRE TRACTS 8E, 8, 29; 3485 AND 3513 EAST GRANDE BOULEVARD; 13650, 13660, 13661, 13670, 13671, 13680, 13681, 13690, 13691 SYDNEY ROAD; 9800, 9810, 9820, 9821, 9830, 9831, 9840, 9841, 9850, 9851, 9861 STAR ROAD; AND 13970 STATE HIGHWAY 110 SOUTH).**

Request that the City Council consider adopting an ordinance providing for the annexation of 30 properties along and including East Grande Boulevard, Sydney Road, and Star Road. The proposed annexation area consists of territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, approximately 98.664 acres of land located along the Grande Boulevard extension on the west side of State Highway 110, and consider establishing:

- A. The new boundary of the City Limits;
- B. The new boundary of the Extraterritorial Jurisdiction.
- C. The new boundary of the City Council Map to East District No. 5;
- D. The Land Use Guide to reflect Mutlifamily, General Commercial, and Agricultural Land Use.
- E. Original zoning of 98.664 acres containing 19.179 acres of “R-MF”, Multi-Family Residential District, 48.442 acres of “AG”, Agricultural District, and 31.043 acres of “C-2”, General Commercial District. (O-2011-32)

Dallas Cothrum, 900 Jackson St. #640, Dallas Texas – Stated that he was here representing Oncor Electric Delivery and that what they had requested on the part of the transmission line will allow or spur future development in the area.

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

## PRESENTATIONS

**P-1 Request that the City Council consider hearing a presentation about the formation of a Mayor's Veterans' Roundtable.**

**Susan Guthrie, Director of External Relations & Organizational Development** – Stated that Tyler has a long history of strong support for our nation's veterans. To continue to grow this tradition and to serve as a model to other communities, Mayor Barbara Bass has appointed a Mayor's Veterans' Roundtable with Mayor Pro Tem Ralph Caraway to serve as the Council liaison.

The intent of the Roundtable is to develop and implement a Community Blueprint for supporting and enhancing veterans' services in our community as well as positively impacting the local economy. The focus of the Roundtable will be on employment, education, housing, medical care and mental health.

**John Furlow Cr 344** – Stated that there are 18,000 veterans in Smith County and growing. This shows a lot of vision on the Mayor and City Council's part on getting ahead of the game by establishing this committee, which will be comprised of veterans and committee leaders to address the three areas of education, housing, and medical health.

**P-2 Request that the City Council consider hearing a presentation from City University about the newly launched Called to S-E-R-V-E Spirit Customer Service Training.**

**Kristi Boyett, Training Coordinator**- According to the City of Tyler Blueprint, the City's first core value states "The highest premium is placed on responsiveness to citizens' needs." While the Blueprint has been the long-term culture and conceptual framework for the City of Tyler, the motto of City employees, "Called To S-E-R-V-E," really brings home the vision of serving a higher purpose and being here to effectively serve the Tyler community.

As part of a Lean Sigma project, the City University began rolling out customer service training in February of this year. The training was designed to give all 800 City employees the tools necessary to exceed the expectations of our customers, Tyler residents, in a timely, efficient and courteous manner. The training is an interactive curriculum with five modules covering a variety of adult learning activities. The five modules are Called to SERVE, Share Your Expertise, Be A Pro, Follow Through and The Personal Touch.

This initiative was created by and for City employees in an effort to continue the City of Tyler's reputation as the model for good government in the region and state, by showcasing the incredible hearts and passion for service that City of Tyler employees demonstrate each day.


## RESOLUTION

**R-1 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of a sanitary sewer easement and a temporary construction easement against the Alex Erwin Estate, for the construction of the Highway 69 / Interstate 20 Corridor Sanitary Sewerage System Improvements project. (R-2011-17)**



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

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- R-2 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of a sanitary sewer easement and a temporary construction easement against the Arnett Raibon Estate, for the construction of the Highway 69 / Interstate 20 Corridor Sanitary Sewerage System Improvements project. (R-2011-18)**

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

## **ORDINANCE**

- O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 15., "Franchise", Article I. "In General", Section 15-4., "Rate determination" to update the requirements for regulated entities petitioning for rate change. (O-2011-33)**

**Gary Landers, City Attorney** – Stated that the Tyler City Code Chapter 15 contains provisions relating to various kinds of franchises. The general franchise requirements for rate determination are located in City Code Chapter 15, Article I., and contain requirements for petitioning the City Council for a change of rates by the regulated entity. These provisions currently require that the regulated entity submit all necessary information to allow the City Council to make a reasonable determination of rate base, expenses, investment and rate of return within the City limits.

A review of the provisions related to the requirements for a rate change petition by a regulated entity operating within the City limits indicates that additional requirements should be considered in order to enhance the City Council's ability to fully review and make reasonable determinations of rate base, expenses, investment and rate of return within the City limits

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

## **PUBLIC HEARINGS**

- H-1 Request that the City Council consider conducting a public hearing to obtain Citizen comment and consider adopting an Ordinance to amend the Community Development Block Grant (CDBG) Program 2006, 2007, and 2008 Annual Plans and approve the reprogramming of funds. (O-2011-34)**


**Brenda Johnson, Director of Neighborhood Services** – Stated that in accordance with the policies, plans and regulations for the Community Development Block Grant (CDBG) program, the City must amend its previously approved CDBG Program budgets so that activities and projects are carried out and completed in a timely manner. Amendments are needed on the 2006, 2007, and 2008 Annual Plans in order to maintain program compliance and meet HUD regulatory requirements.

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Funds were allocated in the 2006, 2007, and 2008 Annual Plans for housing rehabilitation, down payment and closing costs assistance, and public facilities improvements in designated target areas for low income homeowners and residents. Due to low participation of the homeowners and residents, and completion of the public facilities project, all funds were not expensed. City staff has determined that there is a need for public facility improvements in non-designated target areas within the City of Tyler which will benefit low/moderate income residents. Specifically, a total of \$286,000 is intended to be used as an infrastructure investment incentive for a new affordable housing development in Forest Meadows.

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

## MISCELLANEOUS

 **M-1 Request that the City Council consider authorizing the City Manager to execute an economic development incentive agreement with North Chase Development, LLC for the development of the Forest Meadows Subdivision located on North Broadway in support of the Neighborhood Empowerment Zone (NEZ). ©**

**Brenda Johnson, Director of Neighborhood Services** - On March 23, 2011 the City Council adopted an ordinance amending Tyler City Code Chapter 7 to codify established guidelines for creating a Neighborhood Empowerment Zone, and created a Neighborhood Empowerment Zone for the Forest Meadows Subdivision and adopted the proposed boundaries, guidelines, and incentives of the NEZ pilot program.

The adopted NEZ will encompass a new neighborhood in North Tyler. The tract is approximately 7.91 acres and located North of the Lake View Apartment Development under construction on North Broadway Avenue. The developer is Ed Thompson, President of North Chase Development, LLC. As an identified Tyler 21 initiative to create 3000 rooftops in the north Tyler area, the NEZ program will focus on the development of an entire neighborhood comprised of at least 20 homes on contiguous lots. It is anticipated that with the increase of affordable housing stock economic development will follow.

The Developer will build twenty (20) units to be sold for use as owner-occupied housing, and of those 20 units seven (7) will meet affordable housing criteria, in exchange, the City will provide the funds in an amount up to but not to exceed \$286,000 under the CDBG Public Facilities program to construct street and utilities for Phase I of the construction project. In addition, the City will provide the following incentives to the Developer for the Forest Meadows Development:

1. Waive or rebate zoning fees
2. Waive or rebate platting fees
3. Waive building permit fees
4. Waive testing fees
5. Waive tap fees

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6. Provide direct access to Neighborhood Services First Time Homebuyers program (first come/first serve basis-pending approved application)
7. Provide an infrastructure incentive in the amount of \$2000 per unit (single-family attached) or \$1000 per unit (R-1D- single family detached) up to the maximum of 50 units. This is to be paid at the time the certificate of occupancy is issued for each unit, or when permanent utility service is activated
8. Waive Escrow for North Broadway Extension.

The City will issue a notice to proceed to the Developer after the completion of the City's portion of the infrastructure. The Developer will complete construction of seven (7) owner occupied, affordable single-family housing units (per HUD's definition) within three (3) years of the date of the City's Notice to Proceed.

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

**M-2 Request that the City Council consider authorizing the City Manager to accept grant funding through the Family Self Sufficiency Program (FSS) for one (1) FSS Coordinator position to enhance the housing efforts of the department. (O-2011-35)**

Gary Swindle, Police Chief – Stated that Family Self-Sufficiency (FSS) is a HUD program that encourages communities to develop local strategies to help voucher families obtain employment that will lead to economic independence and self-sufficiency. Public housing agencies (PHAs) work with welfare agencies, schools, businesses, and other local partners to develop a comprehensive program that gives participating FSS family members the skills and experience to enable them to obtain employment that pays a living wage. FSS program services may include, but are not limited to: child care, transportation, education, job training and employment counseling, substance/alcohol abuse treatment or counseling, household skill training, and homeownership counseling.

Families who receive assistance under the HCV are eligible to participate in the FSS program. For the most part, PHAs must rely on their own or other local resources to operate FSS programs. However, under the authority of annual appropriations acts, HUD has been able to provide some funding for FSS program coordinators to assist PHAs in operating housing choice voucher FSS programs. Other than annual funding for HCV FSS program coordinators salaries, no specific funding is provided by HUD. FSS program coordinators assure that FSS program participants are linked to the supportive services they need to achieve economic self-sufficiency.

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

**M-3 Request that the City Council consider authorizing the City Manager to award the construction contract for the Community Development Block Grant (CDBG) Curb and Gutter Improvements to the low bidder, Reynolds & Kay, Ltd. ©**

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

**M-4 Request that the City Council consider accepting the annual review of City of Tyler tax abatements regarding Gencore, Hood Packaging, Sealrite Fasteners, and Trane. ©©©©**

Motion by Councilmember Whatley; seconded by Councilmember Heines 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 authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Guinn Farms Home Owners Association for the placement of landscaping and irrigation on Grace Avenue in the City of Tyler right-of-way. ©**

**C-A-2 Request the City Council authorize the City Manager to enter into a twelve-month contract and transfer Title of Ownership for City of Tyler Unit 233 to Franklin Burns, director of Burns Ministries Inc. (BMI). At the end of the original term, the agreement will automatically renew each year for a total of three additional one-year renewal terms, unless either party chooses to terminate the agreement. ©**

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

**BOARD APPOINTMENTS**

**B-1 Request that the City Council consider making appointments to the Keep Tyler Beautiful Board.**

Motion by Councilmember Heines to appoint Jonas Titus and Brad Baker; seconded by Mayor Pro Tem Caraway; motion carried 6 - 0 & approved as presented.

**CITY MANAGER'S REPORT**

- 1. Monthly CIP Report
- 2. Sales Tax numbers up 2.61% this year
- 3. Update on TxDot projects

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 9:57 am

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

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**- under section 551.071 "Litigation" deliberation regarding the following:**


1. Possible contemplated litigation involving SCMUD #1
2. Possible contemplated litigation 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.

City Council reconvened from executive session at 10:14 am with no action taken.

**ADJOURNMENT**

Motion by Councilmember Whatley to adjourn the meeting at 10:14 am; seconded by Councilmember Mezayek; motion carried 6 - 0 & meeting adjourned.

  
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BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK

