

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 8, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 8, 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
Assistant City Attorney: Deborah Pullum
Airport Manager: Davis Dickson
Main Street Director: Beverly Abell
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: Tim Johnson
City Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
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 Councilmember Caraway.

MINUTES

Motion by Mayor Pro Tem Mezayek to approve the May 27, 2011 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognitions

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

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
James (Monroe)	Sewell	Airport Technician I	Airport
Cody	Summers	Laborer	Lake Tyler
Vawnika	Gellington	Code Enforcement Officer	Neighborhood Services
Tommy	Bennett	Laborer	Parks & Recreation
Gay	Jaramillo	Custodian	Parks & Recreation
Guillermo	Soto	Laborer	Parks & Recreation
Michael	Curtis	Laborer	Waste Water Collection
Nakeea	Attaway	Truck Driver	Water Distribution

A-2 Request that the City Council consider receiving an award presentation from the American Heart Association in recognition of the Police Department’s recent designation as a “Gold Level” member in the Start! Fit-Friendly program.

Brandi Banda, Cooperate Marketing Director – Presented the Police Department with an award as a Gold Level member in the Start Fit Friendly program.

Mayor Bass presented the Mayor for the Day – Christian Spangenberg.

PRESENTATIONS

P-1 Request that the City Council consider receiving a presentation and acceptance of a \$50,000 donation from the Spangenberg Family Foundation to Benefit Children’s Education and Healthcare for park playground equipment at City Park and Woldert Park.

Christian Spangenberg – Stated that he realized that the community was in need and could benefit from their organization’s donation so he wanted to present a check for \$60,000.00.

Motion by Councilmember Wright to accept the donation; seconded by Mayor Pro Tem Mezayek; motion carried 7 - 0 & accepted as presented

P-2 In the spirit of the Tyler Fit City program, receive a presentation on the results of the “Praying Off Pounds (POPs) Tyler Fit City Challenge and allow for the ceremonial operation of a one chair barber shop at the One Realtor Center on the SW Loop 323, on June 29, 2011.

Motion by Councilmember Whatley to shave the hair off of the City Manager’s head on June 29, 2011; seconded by Councilmember Wright; motion carried 6 - 1 & approved as presented

PUBLIC HEARINGS

H-1 Request that the City Council conduct a public hearing on Tyler's illustrative plan for redistricting of single member City Council Districts based on 2010 Census data and consider adopting an ordinance approving the revised Tyler City Council Single Member District boundary line changes in the plan and amending Tyler City Code Chapter 1. (O-2011-44)

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

Cindy Crosby, Bickerstaff, Heath, Delgado and Acosta – Stated that the purpose of this plan is to make sure the City is in compliance with the Federal Constitution and the Voting Rights Act of 1965. The population between the individual City Council districts was out of balance. It wasn't a huge deviation but it certainly exceeded the 10% percent deviation rule. The illustrative plan #1 shifted some of the population. There may be some slight splits of voter precincts but it has been minimized as much as possible. The deviation that was made is less than 10% percent. The goal is to have an adopted plan that is approved by the City Council, pre-cleared by DOJ, and the lines in place prior to the 2012 Elections.

Dr. Bennie Webster, 1403 S. Academy - Stated that she had a couple of questions concerning this rezoning and felt the public has not had enough opportunity to look at the plan.

1. Asked how does this effect school zoning?
2. Stated that she was Board Chair for Total Healthcare and their grant is based on zip codes, so will the zoning affect that?
3. Stated that she had spoken with Councilman Sanders because he represented the area she lived in and wanted to make sure that it did not affect the Councilmembers.

City Attorney, Gary Landers – Stated that this does not affect school attendance zoning, that would have to be changed by Tyler Independent School District. It also does not have any effect on zip codes. City Attorney, Gary Landers stated that the latest changes were made to make sure the City was not doing retrogression (lowering the overall percentage of minorities in a traditional minority district) and this plan should either maintain or strengthen that a little.

Councilmember Sanders – Stated that City Councilmembers have been a part of the planning and have made sure that it would not affect their ability to be re-elected and he was satisfied with the numbers and the possibility of future growth.

Councilmember Heines – Stated that on part of District 4, it looks like the area down West of Roberson Street has been split instead of going all the way down to Vine Street. Councilmember Heines stated, "that will be new to his district and he was more than happy to have anybody in his district that wants to be there based on how this map is set up".

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

ORDINANCE



- O-1a** Request that the City Council consider adopting an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to zoning districts, establishing a new Residential Estate Zoning District, use regulations, subdivision design and improvements, streets and thoroughfares, development standards, environmental regulations, development approval procedures, administration and enforcement, historic preservation, and definitions. (O-2011-45)

Motion by Councilmember Heines to amend O-1a subject to the historic overlay district is limited to areas where historical surveys have been done and is on file at the City; seconded by Mayor Pro Tem Mezayek; motion carried 7 - 0 & approved as amended.

- O-1b** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 to correct the existing fees for signs. (O-2011-46)

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

- O-2** Request that the City Council consider delegating authority to the City Manager or the Chief Financial Officer to approve the refunding of up to \$10,000,000 in revenue bonds from the Water and Sewer System Series 2002 bond issue pursuant to certain parameters. (O-2011-47)

Steven Adams, Specialized Public Finance – Gave a brief presentation on the refunding of up to \$10,000,000 in revenue bonds from the Water and Sewer System Series 2002 bond issue pursuant to certain parameters:

- the true interest cost rate for the refunding the bonds shall not exceed 4%;
- the refunding must produce a net present value debt service savings of at least 3%, net of any contribution paid by the City;
- the maximum maturity date for the refunding bonds shall not exceed September 1, 2030; and
- this delegation of authority shall expire if not exercised within 120 days from the date approved by City Council.

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

MISCELLANEOUS



- M-1** Request that the City Council consider authorizing the City Manager to execute a contract with the C. T. Brannon Corporation, to provide preliminary engineering services for Cumberland Road from South Broadway Avenue to Old Jacksonville Highway for a total contract amount not to exceed \$318,483. ©

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

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- M-2 Request that the City Council consider receiving a presentation from The Brannon Corporation regarding the West Mud Creek Tributary M-3 (Timberwilde) Drainage Improvements study.**

Greg Morgan, Director of Utilities & Public Works – Stated that the City of Tyler has received several citizen complaints of drainage and flooding problems from Richmond Road to Timberwilde Drive, prompting the need for a study of the West Mud Creek Tributary M-3 drainage basin. In October 2010, the City hired The Brannon Corporation to perform a hydraulic analysis of the drainage basin and to identify areas of the system that are undersized and/or create "bottlenecks". The Brannon Corporation developed recommendations and construction cost estimates for alleviating the issues they identified as part of this study.

Rea Boudreaux, Brannon Corporation – Gave a presentation on the West Mud Creek Tributary M-3 (Timerwilde) Drainage Improvements Study.

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 pursue and accept grant funding through the Bulletproof Vest Partnership Grant Act for body armor purchased by the City for the Police Department.**
- C-A-2 Request that the City Council consider declaring certain obsolete or otherwise unused items from the Police Department inventory as surplus and authorize for disposal by public auction consistent with State law.**
- C-A-3 Request that the City Council consider adopting an Ordinance to approve the Oncor Electric Delivery Company (Oncor) rate tariffs that reflect the negotiated rate changes pursuant to the process and to ratify a Settlement Agreement recommended by the Steering Committee of Cities Served by Oncor. (O-2011-48)**

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

CITY MANAGER'S REPORT

- 1. Sales Tax up 6.46% last month**
- 2. Letters to Lake Tyler barge lots that may not renew, some unhappy replies**
- 3. Parking garage plans underway**
- 4. Options for use of Lindsey Bldg & across from City Hall**
- 5. CIP report**
- 6. Sales Tax Board about to consider project priorities**
- 7. Moving forward w/CNG pilot program, getting private partners.**

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RECESS FOR EXECUTIVE SESSION – Reconvene for executive session at 10:43 am.

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

Ex Session #1.

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

1. 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


Ex. Session #2.

-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

ADJOURNMENT - Reconvene from executive session at 10:53 am with no action taken.

Motion by Councilmember Whatley to adjourn the meeting at 10:53 am; seconded by Councilmember Caraway; motion carried 7 - 0 & meeting adjourned.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

