

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 14, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 14, 2011 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass  
Mayor Pro Tem: Sam Mezayek  
Councilmembers: Martin Heines  
Donald Sanders  
Mark Whatley  
Ralph Caraway  
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 Police Chief: Gary Swindle  
Director of External Relations & Organizational Development: Susan Guthrie  
Director of Parks and Recreation: Stephanie Rollings  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
Director of Vehicle Services: Russ Jackson  
Housing Service Manager: Andy Davis  
Budget/Internal Auditor: Keidric Trimble  
Transit Manager: Heather Nick  
Director of Utilities & Public Works: Greg Morgan  
City Clerk: Cassandra Brager

## **INVOCATION**

The Invocation was given by Councilmember Caraway.

## **MINUTES**

Motion by Councilmember Caraway to approve the minutes for the August 24, 2011 meeting; seconded by Mayor Pro Tem Mezayek; motion carried 6 - 0 & approved as presented.

## **EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

### **A-1 New Hires Recognitions**

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

September 14, 2011

New Employees

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Russell	Jowell	Fire Recruit	Fire
Jason	Williams	Fire Recruit	Fire
Alicia	Anderson	Police Recruit	Police
Brandon	Lott	Police Recruit	Police
Zackary	Noble	Police Recruit	Police
Tosh	Roberts	Police Recruit	Police
Robert	Thomsen	Traffic Signal Technician	Traffic
William	Barnes	Equipment Mechanic I	Vehicle Services
Jamerson	Hampton	Equipment Mechanic I	Vehicle Services
Stan	Stoffregen	Equipment Mechanic II	Vehicle Services
Michael	Fyffe	Plant Operator I	Wastewater Treatment
Efrain	Barboza	Truck Driver	Water Distribution

ZONING

**Z-1 F09-11-090 NORMAN L. DICKEY ADDITION, FINAL PLAT**

Request that the City Council consider approving a plat for a three lot subdivision containing approximately 9.94 acres of land located on County Road 136 near the intersection of County Road 136 and County Road 168, and a waiver of required street improvements including \$43,931 in escrow.

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

**Councilman Sanders enters**

**Z-2 APPLICATION Z09-11-048 KIMBLE KUBIAK (513 AND 515 EAST FRONT STREET)**  
Request that the City Council Consider changing the zoning from "M-1", Light Industrial District to "C-2", General Commercial District. (O-2011-71)

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

PRESENTATIONS

**P-1 Request that the City Council consider recognizing EOG Resources Tyler Division and Tanos Exploration, LLC for their sponsorship of three Compressed Natural Gas (CNG) powered vehicles as part of the City of Tyler's CNG Pilot Program.**

**Russ Jackson, Director of Vehicle Services** – Stated that at the August 10, 2011 City Council meeting, the council authorized the City Manager to purchase five Ford F150 Extended Cab Trucks which are to be converted to Compressed Natural Gas (CNG) vehicles as part of the

City of Tyler's CNG Pilot Program. Sponsorships for these vehicles were offered to area businesses at \$15,000 for one vehicle and \$25,000 for two vehicles.

The EOG Resources has sponsored two vehicles for \$25,000 and Tanos Exploration, LLC has sponsored one vehicle for a total of \$15,000. These three vehicles will be identified with a customized wrap and will feature the EOG Resources logo and the Tanos Exploration LLC logo.

Motion by Councilmember Whatley to move acceptance and recognition of the contribution; seconded by Mayor Pro Tem Mezayek; motion carried 7-0 & approved as presented.

## **ORDINANCE**

**O-1 Request that the City Council consider adopting the property tax rate ordinance, the proposed budget ordinance and authorize the City Manager to execute the outside agency contracts for fiscal year 2011-2012. (O-2011-72) (O-2011-73)**

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

**O-2 Request that the City Council conduct a public hearing and consider public input on the proposed transit fare increase and then consider adopting an Ordinance adding rental and usage fees for Liberty Hall in Chapter 2 and amending miscellaneous transit and solid waste fees in Tyler City Code Chapters 12 and 16. (O-2011-74)**

**Keidric Trimble, Budget/Internal Auditor and Heather Nick, Transit Manager** – Recommended as part of the proposed fiscal year 2011-2012 Budget, fares for the fixed-route transit services are proposed to increase from \$0.75 to \$1.00 for a one-way trip. This is the first fare increase in over 25 years. A recent survey of fixed-route fares in Texas show average fares to be within \$1.25 and \$1.50 for a one-way trip.

The fare increases will not affect paratransit fare prices. The new rates will become effective on Saturday, October 1, 2011.

It is recommended that Transit fees be adjusted to help offset the rising cost of the Transit system. It is also recommended that Sections 12-102 and 12-103 be combined for better clarification. Finally, the "Children under the age of 12 years" category will be combined with the Half fare category for further simplification.

Bus pass rates.

Fixed Route Monthly Bus Pass – Increase from \$30.00 to \$40.00

Half-fare Monthly Bus Pass – Increase from \$15.00 to \$20.00

Student Monthly Bus Pass – Increase from \$15.00 to \$20.00

Student Semester Bus Pass - Increase from \$45.00 to \$60.00

(August through December – Fall)

(January through June - Spring)

(May through August - Summer)

**Chapter 2, Article VIII. Fees**

With the new opening of the Liberty Hall there will be fees associated with the rental and usage of this facility. It is necessary that these new fees be included in the City of Tyler Code of Ordinances.

**Chapter 16. "Solid Waste Fees"**

It is recommended that fees associated with small residential and commercial collections be increased to more accurately reflect the actual costs associated with these type of services. These services are provided by residential crews. City Code Section 16-13 is amended to increase the fees for automated services by \$1.50 per month plus tax.

**Ernie Clark, 4205 Stonebrook Lane, Grassroots America-We the People** – Stated that Grassroots America has analyzed in detail the City's proposed budget for the upcoming year. The group congratulated the City for adopting last year's tax rate of 20.89 cents per \$100 value and for not adopting the legal effective tax rate of 21 cents and also for not incurring general obligation debt to meet the growth of the City.

**Larry Meckley, 401 Sutherland** – Stated that he does not approve this budget because he is requesting verification of the dollar amount requested minus the amount of the importance of the issues stated in the Tyler 21 Plan. Mr. Meckley stated that he was also against raising the bus fare.

**Larry Bruce Swinney, 2907 N. Grand** – Stated that he was protesting the increase in the bus fare because social security has not been raised in three years.

**Councilmember Heines** – Stated that the City has to look at making sure the system is upgraded and the work that was done last year will end up being a huge benefit to the community because we have increased the access points that are being utilized.

Motion by Councilmember Heines; seconded by Mayor Pro Tem 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, 2011 and ending September 30, 2012.

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

**M-2** Request City Council consider approving an Interlocal Agreement with Smith County, a Contractor/Company Contract Agreement between the City of Tyler, Smith County and Country Coffee Company, Inc. (aka Distant Lands Coffee) and authorize the City Manager to execute and sign all documents necessary in conjunction with Texas Capital

September 14, 2011

**Fund Contract No. 711042 for the construction of a sanitary sewer main to service West Tyler and Country Coffee Company, Inc. ©**

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

**M-3 Request that the City Council consider the award of bids for the New Construction of six single family dwellings.**

**Brenda Johnson, Director of Neighborhood Services** – Stated that as part of the City's initiative to assist eligible low-income homebuyers with the purchase of modest and affordable single-family dwellings, the City sponsors a New Construction and Homebuyers Assistance Program funded with CDBG and HOME funds. The primary purpose of the program is to construct new affordable housing units and to assist low-income homebuyers with down payment and closing costs assistance after the homes are constructed. Proposals were solicited from approved contractors and developers to provide a set of drawings/floor plans to be built on lots owned by the City. The houses to be built are 3 bedroom and 2 baths, with an attached 2 car garage.

Motion by Councilmember Sanders; seconded by Councilmember Caraway; 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).**

- C-A-1 Request that the City Council consider authorizing the City Manager to approve an agreement with First Choice Cooperative and The Cooperative Purchasing Network (TCPN) whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives. ©**
- C-A-2 Request that the City Council consider approving a Reconciliation Change Order and releasing final retainage in the amount of \$15,525.31 to Reynolds and Kay, Ltd for channel improvements at 2011 Rickety Lane. ©**
- C-A-3 Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.**
- C-A-4 Request that the City Council consider authorizing the City Manager to execute Work Order No. 2, in the amount of \$135,000, to Wisenbaker Fix and Associates for Resident Project Representative Services during construction of the Highway 69 to Interstate 20 Sewer Improvements project. ©**

Motion by Councilmember Whatley to approve the entire consent agenda; seconded by Councilmember Sanders; motion carried 7 – 0 & approved as presented.

## **BOARD APPOINTMENTS**

**B-1 Request that the City Council consider making appointments and reappointments to the Airport Advisory Board and the Construction Board of Adjustment and Appeals.**

### **Airport Advisory Board**

Mayor Pro Tem Mezayek made the motion; seconded by Councilmember Whatley; motion carried 7-0 to appoint the following board member:

**Dr. David Dykes**

### **Construction Board of Adjustment and Appeals**

Mayor Pro Tem Mezayek made the motion; seconded by Councilmember Whatley; motion carried 7-0 to reappoint the following board member:

**Timothy Hunt**

Mayor Pro Tem Mezayek made the motion; seconded by Councilmember Whatley; motion carried 7-0 to appoint the following board member:

**Carl Watson**

Mayor Pro Tem Mezayek made the motion; seconded by Councilmember Whatley; motion carried 7-0 to move the two board members up from alternate members to regular members:

**Bobby Johnson  
Ed Kopal**

## **CITY MANAGER'S REPORT**

- 1. Monthly CIP & TXDOT project reports**
- 2. Thanks to CC for input and guidance on new budget**

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive at 9:59 am

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

### **Ex. Session No. 1:**

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

- 1. Possible or contemplated litigation relating to the resolution of extraterritorial jurisdiction boundaries with the City of Whitehouse**

September 14, 2011

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 No. 2:**

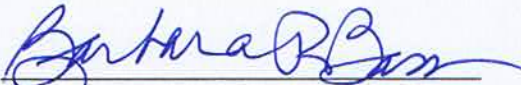
-under section 551.087 "Economic Development" deliberation regarding the following:

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


City Council reconvened from executive session at 10:17 am with no action taken.

**ADJOURNMENT**

Motion by Mayor Pro Tem to adjourn the meeting at 10:18 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

