

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
December 11, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 11, 2013 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Martin Heines
Councilmembers: Mark Whatley
Darryl Bowdre
Sam Mezayek
Edward Moore
John Nix (absent)

City Manager: Mark McDaniel
Asst. City Manager: Susan Guthrie
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Neighborhood Services Manager: Brenda Johnson
Chief Financial Officer: Keidric Trimble
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Managing Director for Public Safety
& Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
MPO Executive Director/Transit Director: Barbara Holly
Director of Solid Waste: Russ Jackson
Vehicle/Equipment Services Manager: Leroy Sparrow
Senior Public Relations Specialist: Serena Butcher
Director of Planning: Heather Nick
Water Quality and Production Manager: Jimmie Johnson
Managing Director for Utilities/Public
Works and Utilities: Greg Morgan
Traffic Engineer: Peter Eng
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Mezayek to approve the November 13, 2013 minutes; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

Mayor Bass - Stated 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 140-years of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
12/1/1993	Gary	King	Police Officer X	Police	20
12/1/1993	Justin	Kuehn	Police Officer X	Police	20
12/1/1993	Robert	Matthews	Police Officer X	Police	20
12/1/1993	Jimmy	Toler	Assistant Police Chief I	Police	20
12/1/1988	Mark	Pless	Water System Maintenance Superintendent	Wastewater Collection	25
11/27/1978	Robert	Moon	Fire Captain IV	Fire	35

A-2 New Hires Recognitions

The following employees were hired by the City of Tyler during the month of November, 2013. Mayor Bass stated that the City would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Jacob	Dunnam	Building Inspector	Development Services
Adrienne	Leach	Project Engineer	Engineering
Amanda	Taylor	Gallery Operations Support	Main Street
David	Russ, Jr.	Courier	Police
Daniel	Fierro	Semi-Skilled Laborer	Stormwater
Brett	Smith	Traffic Signal Technician	Traffic
Gary	Cooper	Bus Driver Part-Time On-Call	Transit
Mary	Green	Bus Driver Part-Time On-Call	Transit
Thomas	Jones	Plant Mechanic I/WW	Wastewater Treatment
Charlie	Vernatter	Plant Operator I	Water Plant
Ronan	Webber	Plant Operator I	Water Plant

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- A-3** Request that the City Council consider accepting the “Risk Management Achievement Award” given by the Texas Chapter Public Risk Management Association (PRIMA).

ReNissa Wade, HR Director - Stated that the City of Tyler has been awarded the 2013 Texas PRIMA Risk Management Achievement Award. The award was presented during an awards banquet at the annual Texas PRIMA conference in November. This award honors public entities with creative and successful risk management programs. This special recognition was given for the city’s program that was developed to increase fleet safety and decrease claim costs through the use of DriveCam.

ZONING

Z-1 C11-13-001 GLORY DEVELOPMENT CORPORATION

Request that the City Council consider closing an unimproved right-of-way, beginning east of the intersection of Church Avenue and East Vance Street and extending approximately 250 feet north, then turning east and extending approximately 173 feet. (O-2013-103)

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

Z-2 S11-13-001 JOSEFINA LOZANO (722 EAST EARLE STREET)

Request that the City Council consider approving a Special Use Permit to allow for a front yard fence for an indefinite period of time. (O-2013-104)

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

Z-3 S11-13-002 ELIZABETH JOSEPH (1004 EAST DULSE STREET)

Request that the City Council consider approving a Special Use Permit to allow for a front yard fence for an indefinite period of time. (O-2013-105)

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

Z-4 Z11-13-001 ASIF HUSSAIN (3704 TROUP HIGHWAY)

Request that the City Council consider approving a zone change from “PCD”, Planned Commercial District, to “C-1”, Light Commercial District. (O-2013-106)

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

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Z-5 Z11-13-002 TYLER INDEPENDENT SCHOOL DISTRICT (2926 GARDEN VALLEY ROAD)

Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District, to "INT", Institutional District. (O-2013-107)

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

Z-6 Z11-13-005 GARY RAYSON (1326 WEST GENTRY PARKWAY)
Request that the City Council consider approving a zone change from "C-2", General Commercial District, to "PCD", Planned Commercial Development District with final site plan. (O-2013-108)

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

Z-7 Z11-13-007 HAMPTON HILL COURT, LLC (NEW COPELAND ROAD)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential, to "PCD", Planned Commercial District with final site plan. (O-2013-109)

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

Z-8 F11-13-009 HERNANDEZ PARK, FINAL PLAT
Request that the City Council consider approving a plat for a two lot subdivision containing approximately 13.39 acres of land located north of the northeast intersection of Shaquille Drive and County Road 1125, and a waiver of \$191,824 in escrow for street improvements.

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

PUBLIC HEARINGS

H-1 Request that the City Council conduct a public hearing and consider adoption of an ordinance renewing the designation of the City of Tyler Reinvestment Zone No. 8/CB&I at 3102 E. Fifth Street, Tyler, Texas. (O-2013-110)

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

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RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution authorizing the filing of an application with the East Texas Council of Governments (ETCOG) for a Regional Solid Waste Grant, and authorizing the City Manager to take all actions needed to receive and expend grant funds. (R-2013-28)**

Motion by Councilmember Moore; seconded by Councilmember Bowdre; 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 decreasing the speed limit on F.M. 2493 (Jacksonville Road) from 55 miles per hour to 50 miles per hour and extending said 50 mph speed limit to the South City limit. (O-2013-111)**

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

- O-2 Request that the City Council consider adopting an ordinance amending the Tyler City Code Chapter 12 to amend the bus pass rate structure for Tyler Transit bus services to include day passes and amend semester passes. (O-2013-112)**

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

- O-3 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 14 by creating an Animal Care Advisory Board, amending Tyler City Code Chapter 1 to establish the Animal Care Advisory Board as a Periodic Board, and amending Tyler City Code Chapter 1 to change the Neighborhood Revitalization Board from a Regular Board to a Periodic Board. (O-2013-113)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider approving Work Order No. 2 with Wisenbaker Fix & Associates in the amount of \$803,500 for the construction phase services for the Lake Tyler Dam Repair project.**

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

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M-2 Request that the City Council consider accepting and adopting the recommendations from the Affordable Housing Task Force.

Motion by Councilmember Moore; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented.

M-3 Request that the City Council consider authorizing the City Manager to enter into a three year contract with Maruti Fleet & Management, LLC to provide complementary Americans with Disabilities Act (ADA) Paratransit Services for the City of Tyler.

Mitzi Walker, 4409 Aberdeen – Stated that she works on a daily basis with the ADA Paratransit here in Tyler and they support their young adults and to lose NDMJ would be a great lost to our City.

Melissa Reynolds, 11360 CR 221 – Stated that transition is a huge process of their program and NDMJ has an A+ plus rating. To lose the friendship and knowledge of our program would be a great loss if the contract is not given to NDMJ.

David Huffman, 500 N. Bois D Arc – Stated that there are concerns for the possible change in the contract because their organization, Lighthouse for the Blind, would greatly be affected by the change. The new provider may not share the same concerns for our employees and clients that our current provider does.

Jamal Moharer – Prepared a statement and read it to the City Council. Mr. Moharer asked City Council to let NDMJ continue to provide passenger service to the citizens of Tyler.

Councilmember Moore – Stated that this proposal is something that we need to look at so we may need to table this item and look at it before we eliminate someone's job.

Motion by Councilmember Whatley to table item M-3; seconded by Councilmember Moore; motion carried 6 - 0 & item tabled.

Motion by Councilmember Mezayek to authorize the City Manager to negotiate a 30 day extension of the current paratransit contract or to explore other options for providing service as necessary; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

M-4 Request that the City Council consider reviewing and accepting the unaudited Revenue and Expenditure Report for the quarter ending September 30, 2013.

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

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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 reconciliation change order and releasing final retainage to Hartbeat Construction for the 2012 Citywide Sidewalk Improvements Project, Contract B.
- C-A-2** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2013.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase one replacement Freightliner with an AutoCrane from the Buy Board vendor.
- C-A-4** Request that the City Council consider a request to approve a professional services contract with Alliance Transportation Inc. for an update to the Metropolitan Transportation Plan for the Tyler Area Metropolitan Planning Organization, in an amount not to exceed \$100,000.
- C-A-5** Request that the City Council consider ratifying staff action in the approval of a contract with Reynolds & Kay, Ltd. in the amount of \$383,908 for emergency repair of a 12-inch sanitary sewer main.
- C-A-6** Request that the City Council consider approving a re-plat of Lot 1, East Side No. 3, located on Lake Tyler.
- C-A-7** Request the City Council authorize the expenditure of \$119,706 for Mandated Water Quality Assessment Fee to the Texas Commission on Environmental Quality.
- C-A-8** Request that the City Council approve the expenditure of \$91,469.60 for Mandated Water System Fee to the Texas Commission on Environmental Quality.
- C-A-9** Request that the City Council consider authorizing the City Manager to sign an easement with Oncor for the extension of service for the Fair Plaza Garage located at 208 South College Avenue.
- C-A-10** Request that the City Council consider authorizing the City Manager to award a contract for the sale of timber on City-owned property to Morris Timber Holdings, Inc. for a total estimated revenue amount of \$81,184.
- C-A-11** Request that the City Council consider ratifying staff action for the purchase of Cisco switches for the phone upgrade and also authorizing the City Manager to

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renew annual maintenance, equipment leases, and upgrades of equipment and software for other items listed in Appendix A.

C-A-12 Request that the City Council consider awarding the bids for the rehabilitation of one (1) single-family dwelling unit.

Motion by Councilmember Bowdre; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

BOARD APPOINTMENTS

B-1 Request that the City Council consider adoption of an Ordinance approving appointments to the Board of Directors of the Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1). Request also that the City Council consider reappointment of a chairperson and three members of the City of Tyler Tax Increment Reinvestment Zone No. 1 Board. (O-2013-114)

Motion by Councilmember Whatley to re-appoint as board members, Sidney Green, Kathy Harry and Ed Wallace to a term that will expire January 2016. Also, appoint as Chair, Dean Cagle, to a term that will expire January 2016; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Reviewed some specific items on the CIP report, including: the Animal Care Facility, Fair Plaza Garage, Black Fork Creek trail project, Paul Street reconstruction project and the Front Street adaptive control signal project.

RECESS FOR EXECUTIVE SESSION

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

Executive Item No. 1:

Under Section 551.072 "Real Estate" deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities.

Executive Item 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.

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Executive Item No. 3:

Under section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation involving status of former employee. 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.

Executive Item No. 4:

Under section 551.074 "Personnel Matters" deliberation regarding the following:

Discuss the performance and compensation of the City Manager and other related personnel matters.

Any final action to be taken by the City Council will be taken in open session.

Council convened into executive session at 10:40 am and reconvened from executive session at 11:05 am with the following motion:

Motion made by Councilmember Whatley as follows:

1. Amend City Manager's contract to increase the City Manager's base salary \$10,000 resulting in new base salary of \$205,000 per year and
2. Amend City Manager's contract to increase the City Manager's auto allowance \$1,000 resulting in a new auto allowance of \$8,000 per year.

Motion seconded by Councilmember Mezayek; motion carried 6 - 0 & approved

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 11:30 am; seconded by Councilmember Bowdre; motion carried 6 - 0 & meeting adjourned.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

