

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
November 12, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 12, 2014 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Martin Heines
Mayor Pro Tem:	Darryl Bowdre
Councilmembers:	Mark Whatley Sam Mezayek Edward Moore John Nix Don Warren
Interim City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Asst. City Attorney:	Terrance Garmon
Airport Manager:	Davis Dickson
Director for Innovation:	Guillermo Garcia
Managing Director for Administration:	ReNissa Wade
Manager for Organizational Development:	Kristi Boyett
Neighborhood Services Manager:	Brenda Johnson
Chief Financial Officer:	Keidric Trimble
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
Director of Solid Waste:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Senior Public Relations Specialist:	Serena Butcher
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 Whatley.

MINUTES

Motion by Mayor Pro Tem Bowdre to approve the October 22, 2014 and the November 4, 2014 special called city council minutes; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Request that the City Council consider accepting the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association of the United States and Canada for the City of Tyler’s Fiscal Year 2012-2013 Comprehensive Annual Financial Report.

Keidric Trimble, Chief Financial Officer – Stated that the “Certificate of Achievement Award for Excellence in Financial Reporting” has been awarded to the City of Tyler by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR) for the period ending Sept. 30, 2013. This is the twenty-seventh consecutive year that the City of Tyler has received this prestigious award.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

A-2 New Hires Recognition

The following employees were hired by the City of Tyler during the month of October 2014. We would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Anita	Dodge	Administrative Secretary	Transit
Ulysses	De Leon	Animal Control Officer	Animal Control
Mary	Fowler	Animal Control Officer	Animal Control
Roxanna	Gardner	Animal Control Officer	Animal Control
Amber	Greene	Animal Control Officer	Animal Control
Jeffery	Hamberbacher	Animal Control Officer	Animal Control
Debra	Kenison	Animal Control Officer	Animal Control
Colby	Warren	Animal Control Officer	Animal Control
Daniel	Story	Biosolids Truck Driver	Waste Water
Ronald	Gain	Bus Driver	Transit
Frankie	Allred	Certified Housing Specialist	Neighborhood Services
Jaime	Ealey	Informatics Data Analyst	GIS
Anthony	Reveles	Laborer	Parks
Misael	Velarde	Laborer	Parks
Ryan	Dodgen	Recruit	Fire
Ryan	Hay	Recruit	Fire
Mitchell	Archbell	Police Officer I	Police
James	Goodman	Police Officer I	Police
Ben	Jordan	Police Officer I	Police

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Verna	Parker	Police Officer I	Police
Adam	Riggle	Police Officer I	Police
Brian	Russell	Police Officer I	Police
Jesse	Tarango	Truck Driver	Stormwater

PRESENTATIONS

P-1 Request that the City Council consider receiving a presentation from the Solid Waste Department regarding the update of residential curbside collection methods.

Russ Jackson, Director of Solid Waste – Stated that in August 2014, the Solid Waste Department began a Lean Six Sigma Black Belt project to evaluate the City’s recycle collection methods.

Current curbside recycling program:

- Twice a month collection (the first and third Wednesday or the second and fourth Wednesday of every month)
- No collection on the fifth Wednesday, should a month have a fifth Wednesday
- Six trucks utilized to collect and deliver to Rivers Recycling in Kilgore
- Trucks partially loaded
- Twelve employees run routes

Recommendation from project results:

- Continue pick-up every other week (including fifth week of month)
 - Eliminate the confusion of the fifth Wednesday
 - Divide current Wednesday routes into four routes
 - Collect on different days, still picking up every other week
 - Utilize one driver and one truck
 - Only deliver completely full loads to Rivers Recycling
 - Estimated savings of more than \$85,000
 - Results in program operating within budget
 - Begin process the week of Dec. 1, 2014
- Personal letters sent to all recycling customers with calendars advising of change of service.

P-2 Request that the City Council consider receiving a presentation from the Solid Waste Department providing an update on the ReCollect software application.

Russ Jackson, Director of Solid Waste – Stated that on Sept. 10, 2014, City Council approved a request for the Solid Waste Department to begin utilizing the ReCollect software application for enhanced communications with customers regarding trash service, recycling service and any upcoming events or weather-related issues that could affect service.

During the week of Nov. 3, 2014, Solid Waste began a soft rollout for this software application.

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On Dec. 1, 2014, Solid Waste will fully advertise the rollout of this software application.

ORDINANCE

O-1 Request that the City Council consider approving an ordinance amending Tyler City Code Chapter 17, "Streets and Traffic," Article VIII, "Taxis," of the Code of Ordinances of the City of Tyler, Texas, to amend regulations relating to taxis and to adopt new regulations relating to limousines. (O-2014- 100)

Peter Eng, Traffic Engineer - Highlighted staff recommendations which include:

Taxis

- More comprehensive definition of taxis
- Lowered fee for taxi drivers permit
- Maintain requirement for public hearing before entry into taxi business
- Enforcement by Police Department, Code Enforcement or licensed peace officer

Limousines

- Limousine transportation service covered by City regulations, including requirements for operator and driver permits, standards for issuance, licensing, insurance, duration, revocation, etc.
- Definitions for limousine and limousine service
- Value limitations for vehicles used to provide limousine service
- Prearranged scheduling requirements for limousine service
- Requirement for limousine passenger notification of rates in advance of actual service

Taxis and Limousines

- Enforcement by Police Department, Code Enforcement or licensed peace officer
- Clarification that the American with Disabilities Act and accompanying regulations apply to taxi and limousine service
- Clarification of driver application requirements and background check in the interest of protecting the health, safety, and welfare of citizens

Councilmember Whatley – Asked if there is still a distinction between town cars and taxi services? Are there still two types of services?

Terrance Garmon Assistant City Attorney – Stated yes, the City wanted to differentiate between taxi service and limousine services. The one (1) hour prearranged pick up time was included for the limousine services as a distinction of service. On demand service is a service distinction exclusively for taxis. Another distinction is that rates for taxi cabs remain regulated by the City Council, however limousine services are market driven and not regulated by the City Council. The limousine services prices will be negotiated before pickup and may not be changed thereafter, provided that the prearranged trip parameters do not change. Additionally, a monetary value is required for cars used for limousine services.

Councilmember Whatley -What about services such as Uber?

Terrance Garmon Assistant City Attorney – Stated that the way the ordinance is written Uber-type transportation services would be covered by this ordinance.

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Mayor Pro Tem Darryl Bowdre - Asked if this had any impact on the funeral homes when they lease out their limousines at certain times of the year?

Steve Kean, Deputy City Attorney – Stated that this was considered as part of the review and the intent of this ordinance is not to regulate those funeral escorts that are performing within the scope of their funeral business operations.

Nathaniel Moran 1590 Holcomb Circle- Stated that he represents one of the company's that would like to begin a limousine /town car service. Mr. Moran stated that he believes the proposed ordinance is workable going forward. It protects the citizens by providing some safe guards regarding who can provide these services and insures their health, safety and welfare. But at the same time it doesn't over regulate service providers. The ordinance provides for competition between companies and also provides for free market forces to determine rates, so we are pleased with the ordinance presented here today.

Councilmember Moore- Asked how the limousine rates would be set?

Peter Eng, Traffic Engineer – Stated that it will be market driven. The limousine services prices will be negotiated before pickup.

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

MISCELLANEOUS

M-1 Request that the City Council consider adopting an Ordinance amending the FY 2014-2015 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by Sept. 30, 2014, as anticipated. (O-2014-101)

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

M-2 Request that the City Council consider authorizing the Interim City Manager to purchase 135 AXON Body Camera systems for the Police Department in the amount of \$54,457.52.

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

M-3 Request that the City Council consider authorizing the Interim City Manager to award the construction contract for the South Tyler Police Substation to RPR Construction Company in the amount of \$4,769,500.

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

CONSENT

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(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 2014 Certified Property Tax Roll.
- C-A-2** Request that the City Council consider authorizing the Interim City Manager to purchase various vehicles and equipment from Buy Board, HGAC, TX SmartBuy, and lowest qualified bids received.
- C-A-3** Request that the City Council consider authorizing the Interim City Manager to award the service contract for Citywide Pest Control Services to Orkin Pest Control in the amount of \$60,360 for a one-year contract period with two, one-year renewal options.
- C-A-4** Request that the City Council consider authorizing the Interim City Manager to approve a Reconciliation Change Order and final payment and release of retainage in the amount of \$36,400 to N.G. Painting, L.P. for painting the Troup Highway standpipe.
- C-A-5** Request that the City Council consider authorizing the Interim City Manager to execute Work Order No. 2 in the amount of \$43,800 to Freese and Nichols for additional design phase services for the Fleishel-Oakwood-Locust Sewer Replacement project.
- C-A-6** Request that the City Council consider authorizing the Interim City Manager to execute Work Order No. 1 in the amount of \$51,700 for the U.S. Highway 31 Lift Station project.
- C-A-7** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1915 W. Jackson St. and 1919 W. Jackson St., within the City of Tyler city limits, and owned by taxing entities including the City of Tyler. (R-2014-26)
- C-A-8** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1513 W. Queen, within the City of Tyler city limits, and owned by taxing entities including the City of Tyler. (R-2014-27)
- C-A-9** Request that the City Council consider adopting an Ordinance approving an amendment of the Housing Choice Voucher Program's 2014-2015 Annual Plan. (O-2014-102)

Motion by Councilmember Moore; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

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BOARD APPOINTMENTS

B-1 Request that the City Council consider approving the reappointment of Mr. Gene Cottle to the Smith County 9-1-1 Communications District Board of Managers.

Motion by Councilmember Mezayek to reappoint Mr. Gene Cottle; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

INTERIM CITY MANAGER'S REPORT

1. Update on monthly CIP reports
2. Thanked the staff for celebrations of Veteran's Day at the Fire Department and on the square downtown.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:17 am

Executive Item No. 1:

Under Tex. Gov't Code Section 551.071 "Litigation" deliberation regarding the following:

1. Possible contemplated litigation involving EPA

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.

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

City Council reconvened from executive session at 10:52 am with no action taken.

ADJOURNMENT

Motion by Councilmember Mezayek to adjourn the meeting at 10:52 am; seconded by Councilmember Nix; motion carried 7 - 0 &; meeting adjourned.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

