

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
MARCH 24, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 24, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Donald Sanders
Councilmembers:	Charles Alworth Chris Simons Ralph Caraway Sam Mezayek Mark Whatley
City Manager:	Mark McDaniel
Asst. City Manager:	Scott Wall
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Karen Stead
Airport Manager:	Davis Dickson
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
City Fire Chief:	Neal Franklin
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
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
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

- 1. Call to Order (9:00 a.m.)**
- 2. Invocation (Councilman, Reverend Caraway)**
- 3. Post Colors**
- 4. National Anthem**

SPECIAL ACTION AND PRESENTATION

Z-1 APPLICATION N03-10-001 NEW SUNNYBROOK to EARL CAMPBELL PARKWAY
Request that the City Council consider a street name change from New Sunnybrook
Drive to Earl Campbell Parkway west of State Highway 155. (O-2010-22)

- Special Recognition
- Comments from Earl Campbell

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

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RECESS TO CITY HALL COUNCIL CHAMBERS, 212 NORTH BONNER, TYLER, TEXAS

RECONVENE AT 9:30 A.M., CITY COUNCIL CHAMBERS

5. Minutes

a. Minutes 03 10 2010

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

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognitions

The following employees were hired by the City of Tyler during on March 8, 2010. We would like to take this opportunity to welcome these new employees.

Andrew	Hill	Police Recruit	Police Department
Noel	Dews	Code Enforcement Officer I	Neighborhood Services

ZONING

Z-2 APPLICATION COD02-10-005 JAMES WYNNE (509 W. 6th Street)

Request that the City Council consider an application from James Wynne for a Certificate of Demolition for a house located at 509 W. Sixth Street.

Motion by Councilman Simons to approve appeal to allow demolition; seconded by Mayor Pro Tem Sanders; motion carried 7 - 0 & approved as presented.

Z-3 APPLICATION COD03-10-006 TODD GREEN (509 E. Charnwood)

Request that the City Council consider an application from Todd Green for a Certificate of Demolition for a house located at 509 East Charnwood Street.

Motion by Councilman Alworth seconded by Councilman Mezayek; motion carried 7 - 0 & approved as presented.

Z-4 APPLICATION Z03-10-017 ED THOMPSON (3895 NORTH BROADWAY AVENUE)

Request that the City Council consider changing the zoning from "AG", Agricultural District to "R-MF", Multi-Family Residential District. (O-2010- 23)

Motion by Councilman Caraway; seconded by Councilman Alworth; motion carried 7 - 0 & approved as presented.

PRESENTATIONS

P-1 Request that the City Council consider approving the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2009, as presented by Prothro, Wilhelmi & Company, P.C.

Motion by Councilman Whatley; seconded by Councilman Mezayek; motion carried 7 - 0 & approved as presented.

ORDINANCE

O-1 Request City Council consider approving an Ordinance of the City of Tyler, Texas amending Chapter 19, "Utilities" Article III., "Water and Sewer service", Division C., "Rates", of the City of Tyler Code of Ordinances, by establishing a monthly surcharge for the purpose of collection of a state mandated Water System Fee and a state mandated Water Quality Assessment Fee, and for utilizing revenue for the purpose of paying said fees; providing for exceptions; providing a severability clause; providing for a penalty; and establishing an effective date. (O-2010- 24)

Motion by Councilman Mezayek; seconded by Councilman Simons; motion carried 7 - 0 & approved as presented.

O-2 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 18 "Code Enforcement", Article II., "Weeds and Debris", relating to requirements for certain improved lots, notice provisions, and requirements for the prosecution of violations. (O-2010-25)

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

MISCELLANEOUS



M-1 Request that the City Council consider authorizing the City Manager to increase the fee associated with the 2008 professional services agreement with Dixon Services, Incorporated, for the acquisition of right-of-way associated with various Tyler Water Utilities projects, by \$234,749.33. ©

Motion by Councilman Caraway; seconded by Councilman Mezayek; motion carried 7 - 0 & approved as presented

M-2 Request that the City Council consider naming Field 5 at Faulkner Park, Randy Womble Field pursuant to City of Tyler Code of Ordinances, Chapter 8, "Parks", Article I. "In General", Section 8-3, "Naming and renaming park lands and facilities".

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

M-3 Request the City Council consider authorizing the City Manager to accept a grant of up to \$67,400 from the East Texas Council of Governments to reimburse costs of expanding the Partners for Youth Program. ©

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

M-4 Request that the City Council consider authorizing the City Manager to execute an Interlocal Agreement for cooperative video arraignment and conferencing between the City of Tyler and Smith County. ©

Motion by Councilman Simons; seconded by Councilman Mezayek; motion carried 7 - 0 & approved as presented.

M-5 Request that the City Council consider authorizing the City Manager to execute an easement with Tyler Independent School District for the placement and maintenance of an Emergency Warning Siren Pole at Jack Elementary School. ©

Motion by Councilman Mezayek; seconded by Councilman Whatley; motion carried 7 - 0 & approved as presented.

M-6 Request that the City Council consider authorizing City staff to advertise for bids for the construction of the New Sunnybrook Drive project which includes portions of Old Noonday Road.

Motion by Mayor Pro Tem Sanders; seconded by Councilman Alworth; 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 adopting an Ordinance amending the Tyler City Code by requiring a culpable mental state for certain offenses per State law. (O-2010-26)

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider filling a vacancy to the Emergency Management Services (EMS) Board.

Motion by Councilman Mezayek to approve Mayor Pro Tem Sanders; seconded by Councilman Alworth; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

Thanked City Council and Mayor Pro Tem Sanders for their actions in naming Earl Campbell Parkway.

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RECESS FOR EXECUTIVE SESSION – No discussion

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

-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

Motion by Mayor Pro Tem Sanders to adjourn the meeting at 10:15am; seconded by Councilman Mezayek; motion carried 7 - 0 & meeting adjourned.

Barbara Bass
BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



The seal is circular with a dotted border. The words "CITY OF TYLER" are at the top and "TEXAS" are at the bottom. In the center, the word "SEAL" is written vertically, flanked by two small circles.