

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 22, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 22, 2010 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
Asst. City Manager:	Scott Wall
City Attorney:	Gary C. Landers
Airport Manager:	Davis Dickson
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Fire Chief:	Neal Franklin
Director of Main Street:	Beverly Abell
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Budget/Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Jimmie Johnson
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Caraway.

Motion by Mayor Pro Tem Caraway to approve the September 8, 2010 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as amended with correction.

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 Service Awards**

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 **120-years** of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
9/23/1985	Michael	Burge	Police Sergeant IV	Police	25
9/23/1985	Michael	Gray	Police Officer X	Police	25
9/23/1985	James	Lenderman	Police Officer X	Police	25
9/23/1985	Jerald	Riggle	Police Sergeant IV	Police	25
9/28/1990	Tony	Vickers	Equipment Operator	Storm Water	20

ZONING

**Z-1 APPLICATION N09-10-005 CR 192 to OLD NOONDAY ROAD**

Request that the City Council consider a street name change from County Road 192 to Old Noonday Road. (O-2010-94)

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

**Z-2 APPLICATION N09-10-004 CR 164 to CROSSLAKE BOULEVARD and MAHAR ROAD**

Request that the City Council consider a street name change from County Road 164 to Crosslake Boulevard and Mahar Road. (O-2010-95)

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

**Z-3 APPLICATION F09-10-096 JUMPIN' JACKS PARTY SHACK ADDITION, FINAL PLAT**

Request that the City Council consider approving a plat and a deferral of the required street improvements until the building permit for a one lot subdivision.

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

**Z-4 APPLICATION F09-10-100 COUNTRY CLUB LAKE PARK SUBDIVISION, FIRST AMENDMENT**

Request that the City Council consider approving a plat and the waiver of required street improvements including \$88,897 in escrow for a one lot subdivision.

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

**Z-5 APPLICATION S09-10-004 JAMR PROPERTIES (2215 ROY ROAD)**

**Request that the City Council consider a renewal of a Special Use Permit for the continued operation of a special event center for an indefinite period of time. (O-2010-96)**

Motion by Councilmember Whatley; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented subject to applicant:

1. Retaining an undisturbed buffer area of 70 feet along the eastern property line (as shown on site plan);
2. Special Event Center must close by 10:30 p.m. on weekdays and midnight on weekends;
3. Must obtain special use permit approval prior to expanding the Special Event Center; and
4. In accordance with the site plan (Exhibit A).

**ORDINANCE**

**O-1 Request that the City Council consider adopting the property tax rate ordinance, the proposed budget ordinance and approve the outside agency contracts for fiscal year 2010-2011. (Tax Rate = O-2010-97) (Budget = O-2010-98)**

**Mayor Bass** – Stated that the last two (2) years have been very challenging for management, our employees as well as the Council to try and make sure that we stayed the course and that we used our funds judiciously. The City has absorbed over 4 million dollars in sales tax loss. We have monitored the budget monthly to make sure we are staying on top of the situation. We have been very proactive in cutting expenses and not waiting until the next budget year but as needed during the year. We have had job freezes; we have looked at better ways to do business through some outsourcing, and realignment. We have deferred capital expenditures, large projects and purchases. Those will be ready for us when the economy picks up. Employees have absorbed the work load in the departments that have had vacancies and we appreciate what they have done to make this all work. Tyler has approximately the same number of employees that we had in 1995 although our property tax rate is 60 % lower than it was 15 years ago and it's the lowest as we know of any City our size in the State of Texas. The property tax rate also has been equal to or less than the effective rate for the last 15 years. We know that going forward we are going to continue to have challenges with our budget as the City grows and we have needs. We have done this because we have quality and qualified employees who make it happen and part of doing that is having benefits, salary packages that make it worthwhile for them to stay here and work in Tyler, Texas. We know that Federal Government has run amuck but Tyler Texas has had sound physical responsible budgeting and financial assessment at meeting the needs of the community for many years. We have done this by being conservative and running the City as much like a business as possible, although we know that we are still city government. Our Tyler 21 Initiatives where the entire community was able to give input is an example of how we work with our citizens for the greater good of our community. Our current Industry Growth Initiative is about jobs for our community so we can help our citizens sustain their life style and feed their families. Our Council has repeatedly taken the pledge to keep our Half Cent Sales Tax focused on infrastructure. We take our stewardship very seriously and we will continue to practice sound physical financial budgeting and management. At the same time we must be pro business so that our citizens can have jobs

here in our community. The City will grow, we will remain a regional center and we have to continue to meet those needs of the citizens. On any given day our population of about 108,000 grows to almost 300,000 and that challenges our infrastructure, but it is great for the business here.

**Councilman Heines** – Stated that 25 years ago we had approximately 900 employees and today we have less than 800. That is 25 years and a 30% population growth. We are doing more with less. The ISO rate is in the top 4% of this State. The Police Department is so accredited that it protects our community against lawsuits but also our citizenry is very well cared for. We have the lowest tax rate of any community above the 15,000 population in this State. We run this City efficiently and it's run well. The Staff, Mayor and former City Councilmembers need to take credit for this because there is a lot of work that has been done. We lead in this community and we do that for less dollars than any place else.

**Councilman Mezayek** – Stated that he didn't think citizens understood how well our council works together. In being a private citizen, it's easy to look at our City just by the numbers and make assumptions on how the City is run. You don't see behind the numbers and what staff, City Manager, and City Council are doing behind the scene. Councilman Mezayek applauded every employee, and the City as an organization on how things are done here at the City of Tyler. Councilman Mezayek stated that in listening to the citizens of Tyler that spoke on the budget he found one issue that they had and that was an issue with the employee salaries and benefits. The reality is if you look at it government employees are typically paid way less than they are in the private sector. As a businessman he is constantly trying to keep quality employees and that's what we have to do at the City. Our benefit program and salary program is a key component to keeping quality employees here at the City.

**Councilman Sanders** – Stated that he too was proud of the work that staff has been doing during this trying economic times. With the staff that we have...when a citizen brings a complaint to him the staff has already begun the process to fix the problem and things are moving on the upward trend. This is because of the plans we have in place for the City of Tyler in making sure things are carried out the way they should be. Councilman Sanders stated that he appreciate the work that's being done by Staff.

**Mayor Pro Tem Caraway** – Stated that he wanted to thank the City Manager and the staff for the job that they do. He also wanted to remind us that there are some words in our society that bring instant fear and one of those words is "taxes." He wanted to reassure this city that our Mayor, Staff, City Manager, and Council have done an excellent job of getting rid of those fears. Whenever you deal with fear you always bring fearless but it excludes facts. Whenever you get fear and feelings worked together sometimes the fact of the matter, sometimes they are lost. This staff has done a great job of calming our fears reassuring what we feel and giving us the facts that this city government does the very best job it can for this City.

**Councilman Whatley** – Stated that he would like to thank the Staff and everyone that works for the City. We as City Council and even the staff are beneficiaries of previous Council and Mayors that had the foresight to form a blueprint and run this City like a business. Previous Councils had instituted a pay as you go for infrastructure and capital improvements and without that foresight and that leadership we would most certainly be looking at a tax increase. If we had general obligation debt we would have to fund debt payments out of our budget.

The Manager and Key Leaders have been proactive in this process. They haven't been reactive like a lot of cities and that has helped us not to be so surprised. A lot of the cities have had to furlough Police and Firemen and had to cut back on city services. The City's primary purpose is to provide public safety and public service to the citizens.

**Councilman Wright** – Stated that in this time of where the economy is lacking across the country and for good reason there are people that see an adjustment anywhere but down and question it and that is as it should be. The citizens of Tyler demand of this staff and this council to “win big” and that is a good and healthy thing. His response to that demand is “thank you” to the staff that, in his opinion have performed and indeed out performed as the statistics will clearly show a margin of about 60% of their peers on tax rate. The blueprint calls that we are to do more with less. We have less employees functioning and performing the duties of this city today than we had in 1985. We are told to run this like a business. With our Lean Sigma program which is a private entity methodology we operate leaner at this City than most any other government entity that he has examined. In response to both of the speakers concerning Fire and Police he would like to say, “thank you” that our ISO rating is so low that it saves somewhere around 2 million dollars in property taxes to our citizens, thank you to law enforcement who do to their certification, litigation is almost nil because people do not want to come after the Tyler Police Department due to its performance. We often talk about our soldiers in the field who are protecting us in the distant land but lets also be mindful of the importance of having a strong Police and Fire that defend our literal home front. Because of these things and my feelings on these issues I wholeheartedly support this budget.

Motion by Councilmember Whatley to adopt the property tax rate; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Whatley to adopt the proposed budget and approve the outside agency contracts; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

**O-2 Request that the City Council consider adopting an Ordinance amending miscellaneous fees in Tyler City Code Chapters 6, 8, 10, 12, 16, 18, and 19. (O-2010-99)**

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

**MISCELLANEOUS**



**M-1 Request that the City Council consider authorizing the City Manager to award a construction contract for the Highway 69 and Interstate 20 Water Improvements project to Reynolds & Kay, Ltd., in the amount of \$4,650,251.50. ©**



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



**M-2 Request that City Council consider authorizing the City Manager to award a contract in the amount of \$1,190,000 to RPR Construction for the renovation of Liberty Hall. ©**

**D.M. Edwards** – Stated that when completed he looks forward to what this will mean to the center of Tyler.

**Nancy Wrenn** – Stated that the East Texas Symphony sees this as an opportunity for a public private partnership of unparallel foresight within our community. We look toward engaging the community, aligning our civic connections with the community and giving our community a chance to be up close and comfortable with entertainment in our own business arts and culture district. We look towards more family entertainment programming with an educational focus, solo performances, varies types of music that might not be as accessible to some of us.

Motion by Councilmember Heines; seconded by Councilmember Wright; 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 City Council consider extending the banking services contract with Southside Bank through December 31, 2011. ©**

**C-A-2 Request that the City Council consider authorizing the City Manager to execute the renewal of a Fixed Base Operator Lease at Tyler Pounds Regional Airport with JW Jetcorp, Ltd., dba Jet Center of Tyler, for the period October 1, 2010, through September 30, 2015. ©**

**C-A-3 Request that the City Council consider authorizing the City Manager to execute the renewal of a Fixed Base Operator Lease at Tyler Pounds Regional Airport with Johnson Aviation for the period October 1, 2010 through September 30, 2015. ©**

**C-A-4 Request that the City Council consider authorizing the City Manager to execute the renewal of a Fixed Base Operator Lease at Tyler Pounds Regional Airport with Term Properties, Inc., for the period October 1, 2010 through September 30, 2015. ©**

**C-A-5 Request that the City Council consider ratifying the emergency purchase of three Monochloramine Analyzers for Distribution System Monitoring. ©**

**C-A-6 Request that the City Council consider authorizing the City Manager to approve an agreement with First Choice Cooperative whereby the City of Tyler can take full advantage of purchasing any and all items available through the Cooperative. ©**

- C-A-7 Request that the City Council consider authorizing the City Manager to award the various annual price agreements, from October 1, 2010 thru September 30, 2011, to the listed vendors.
- C-A-8 Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company, of Schertz, Texas, for the purchase of water meters, transceiver units and register units during fiscal year October 1, 2010 thru September 30, 2011.
- C-A-9 Request that the City Council consider authorizing the City Manager to extend bid number 07-043, for one year, October 1, 2010 thru September 30, 2011, to furnish rented uniforms and floor mats, to Aramark Uniform Service, of Tyler, Texas.
- C-A-10 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for pipe, fittings, meter boxes and lids, copy paper, office furniture and office supplies from October 1, 2010 thru September 30, 2011, to the listed vendors.
- C-A-11 Request that the City Council consider awarding bids opened August 10, 2010, for the purchase of various annual chemical price agreements for chemicals, from October 1, 2010 thru September 30, 2011, to the listed vendors.
- C-A-12 Request that the City Council consider approving an Interlocal Agreement with Smith County 911 Emergency Communications District for cost sharing of aerial photography and participation in the Smith County GIS Consortium effort. ©
- C-A-13 Request that the City Council consider approving a Reconciliation Change Order and releasing final retainage in the amount of \$2,500 to A.E. Shull & Company for the North Tyler Water Improvements. ©
- C-A-14 Request that the City Council consider approving the renewal of the Workers' Compensation Third Party Claims Administration contract with Claims Administrative Services (CAS) for fiscal year 2010-2011. ©
- C-A-15 Request that the City Council consider approving the Excess Workers Compensation Insurance policy with Midwest Employers through Hibbs Hallmark and Company for fiscal year 2010-2011, with a one-year renewal option. ©
- C-A-16 Request that the City consider accepting the fixed assets created by the completion of One-Half Cent Sales Tax Projects for fiscal years 2007-2010.

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

September 22, 2010

**CITY MANAGER'S REPORT**

1. Monthly CIP update
2. Staff appreciation for budget process

**MAYOR**

1. Firefighters Challenge at the Mall on Friday 5-8 pm and also on Saturday 10-2
2. Fire Fighters Pink Heels Tour October 5<sup>th</sup> downtown on the square from 5-8 pm

**ADJOURNMENT**

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

*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.