

**MINUTES OF THE  
SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 12, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 12, 2012 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Mark Whatley
Councilmembers:	Martin Heines Darryl Bowdre Sam Mezayek Ralph Caraway Jason Wright
City Manager:	Mark McDaniel
City Attorney:	Gary C. Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullum
Assistant City Attorney:	Karen Stead
Airport Manager:	Davis Dickson
Development Services Engineer:	Michael Wilson
Interim Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
City Fire Chief:	Tim Johnson
City Librarian:	Mary Vernau
Managing Director for Public Safety & Police Chief:	Gary Swindle
Managing Director of External Relations & Communications Director:	Susan Guthrie
Director of Parks and Recreation:	Stephanie Rollings
MPO Executive Director/Transit Director:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Director of Vehicle Services:	Russ Jackson
City Planner:	Heather Nick
Water Quality and Production Manager:	Jimmie Johnson
Water Business Office Manager:	Jim Yanker
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

**MINUTES**

Motion by Councilmember Caraway to approve the minutes of the August 22, 2012 meeting; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

September 12, 2012

## EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

### **A-1 SERVICE AWARDS**

We would like to recognize the following employee for her 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. This employee represents over 20-years of service with the City of Tyler.

#### Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
9/9/1992	Judy	Fokakis	Legal Secretary	Legal	20

### **A-2 NEW HIRES RECOGNITIONS**

The following employee(s) were hired by the City of Tyler during the month of August 2012. We would like to take this opportunity to welcome these new employee(s).

#### New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Stanley	Potts	Accounting Technician	Finance
Mary	Vernau	City Librarian	Library
Verna	Parker	PS Telecommunicator II	Police
Albert	Chatman	Truck Driver	Water Distribution
Reginald	Criner	Plant Operator I	Water Plant

## ORDINANCES

**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 2012-2013. (O-2012-67 tax rate) (O-2012-68 proposed budget)**

**Larry Meckley, 401 Sutherland** – Opposed the budget.

**Ernie Clark, Grassroots of America We the People**– Thanked the City Council for this past year's work and a common sense proposed 2012-13 budget. They give the City high marks for its internet web-site and the transparency that is available to every citizen of this community. Ernie Clark also applauded past City Councils for their foresight in securing water rights that become more valuable each year, as water availability for our fast growing State becomes scarce. However, they encourage the Council to monitor the City's retirement program to ensure that it is adequately funded.

September 12, 2012

Motion by Councilmember Bowdre to approve the property tax rate ordinance; seconded by Mayor Pro Tem Whatley; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Heines to approve the proposed budget ordinance; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented with the following stipulations:

The ordinance adopting the budget for the City of Tyler for fiscal year beginning October 1, 2012 be approved as presented, and that funding for the Tyler Museum of Art be reconsidered if and when the Museum achieves the following:

1. Conducts a full independent audit of financial records since the last full independent audit was conducted and through to the completion of their most recent fiscal year.
2. Provides a full accounting of all monies collected and spent on their capital campaign to relocate and build a new Museum.
3. Amends their bylaws to provide the City a designated full voting position on the Museum board and Executive Committee, appointed by the City Council.
4. If funding is re-instated for FY 2012-13 in the same amount, the Museum will remain on month to month probationary status and will invoice the City for \$3,712.50 at the end of each month beginning the first full month funding is re-instated (provided that the Museum provides monthly financial reports along with invoices).
5. Additionally, in order to consider funding the Museum longer term, the Museum must:
  - a. Hire a capable new executive director with appropriate financial acumen;
  - b. Re-evaluate the practicality and scope of its capital campaign.
  - c. Establish a realistic budget for cost of operating any new building; and,
  - d. Provide an annual audit

**O-2 Request that the City Council consider adopting an Ordinance adjusting the certificate of occupancy fee in Chapter 6 and deleting duplicative fee references, establishing a billboard annual registration fee, pre-plat application fees, and amending the variance fee for Planning in Chapter 10, establishing car wash bay fees for the Airport in Chapter 12, and amending miscellaneous water and sewer fees in Tyler City Code Chapters 19. (O-2012-69)**

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

**O-3 Request that the City Council consider adoption of an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 to adopt a revised Master Street Plan, and authorizing amendments to the Master Street Plan Update contract with Kimley-Horn and Associates. (O-2012-70) ©**

**Kurt Schulte, Kimley Horn – Gave a brief presentation on the Master Street Plan project.**

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

## PRESENTATIONS

**P-1 Request that the City Council consider receiving a presentation from the Transit Department regarding route improvements to the Yellow Line effective October 1, 2012.**

**Barbara Holly, MPO Executive Director/Transit Director** – Gave a presentation concerning the route improvements to the Yellow Line Bus Route.

## MISCELLANEOUS

**M-1 Request that the City Council authorize the City Manager to execute an agreement with the Tyler Economic Development Council (TEDC) for services related to economic development. ©**

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

**M-2 Request that the City Council consider accepting donations from Genecov Investments, Limited and Tyler Blue Ridge, LLC for right-of-way needed for the extension of Cumberland Road.**

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

**M-3 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, 2012 and ending September 30, 2013.**

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

**M-4 Request that the City Council consider authorizing the City Manager to purchase one Residential Rear Loader Truck for a total purchase of \$141,350.72.**

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

**M-5 Request that the City Council consider authorizing the City Manager to purchase three Residential Automated Side Loader CNG Trucks for a total purchase of \$917,819.**

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

**M-6 Request that the City Council consider authorizing the City Manager to execute a new airport food concessions lease with Gabriel B. N'Guessan. ©**

September 12, 2012

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

**M-7** Request that the City Council consider authorizing the City Manager to award the construction contract for the Westside Treatment Plant Road Repairs to the low bidder, Longview Bridge & Road, Limited, in the amount of \$216,185. ©

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

**M-8** Request that the City Council consider authorizing the City Manager to execute an Interlocal Government Agreement with the Texas Department of Transportation/ Department of Motor Vehicles to participate in the Scofflaw Program to deny the renewal of vehicle registrations for unpaid fines due in the Tyler Municipal Court. (R-2012-25) ©

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Mezayek; 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 renew the Clear Channel Airport Advertising concession contract with revisions for an additional five years with a five year renewal option for the management and operation of the advertising concession for Tyler Pounds Regional Airport. ©

**C-A-2** Request that the City Council consider ratifying staff action in the purchase of 5.35 acres of land, in the amount of \$53,500, for the Charleston Park Booster Pump Station.

**C-A-3** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending June 30, 2012.

**C-A-4** Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the listed vendors from October 1, 2012 through September 30, 2013.

**C-A-5** 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. ©

September 12, 2012

**C-A-6** Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of water meters, transceiver units, and register units during fiscal year 2012-2013. ©

**C-A-7** Request that the City Council consider authorizing the City Manager to extend the various annual price agreements for office supplies, office furniture and equipment, copy paper and water meter boxes and lids for one year beginning October 1, 2012. ©

**C-A-8** Request that the City Council consider authorizing the City Manager to award the various annual price agreements for pipe and fittings for the fiscal year beginning October 1, 2012. ©

**C-A-9** Request that the City Council consider authorizing the City Manager to execute Work Order No. 2 with Wisenbaker, Fix and Associates for Runway 4-22 Runway Safety Area (RSA) Improvements – Post Construction Verification Survey with New Imagery in an amount not to exceed \$41,866 and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$2,093.30. ©

**C-A-10** Request that the City Council consider authorizing the City Manager to execute Change Order No. 4 with Reynolds & Kay, LTD in the amount of \$450,909.80, for the 2011 Runway 4/22 Safety Area Improvement Project at Tyler Pounds Regional Airport and the Half Cent Sales Tax Board consider approving funding the local share totaling \$22,545.49. ©

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

### **CITY MANAGER'S REPORT**

1. CIP Monthly Summary Report handed out
2. Gant chart on Tyler 21 five year update calendar
3. FEMA flood maps approved, public appeal process beginning
4. Possible sale of Fair building underway bids due November 13<sup>th</sup> and will be awarded November 28, 2012.

### **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 551.071 "Litigation" deliberation regarding the following:

September 12, 2012

Possible contemplated litigation involving Guinn Farms subdivision street conditions

Note: 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. 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

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

**ADJOURNMENT**

Motion by Councilmember Mezayek; seconded by Councilmember Caraway; 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 above two small circles.