

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
July 28, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 28, 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 (absent)
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
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Director of Neighborhood Services:	Brenda Johnson
Chief Financial Officer:	Daniel Crawford
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
Housing Service Manager:	Andy Davis
Budget/Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Jimmie Johnson
Director of Utilities & Public Works:	Greg Morgan
Traffic Engineer:	Peter Eng
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Whatley.

Motion by Councilmember Mezayek to approve the minutes for June 9th and July 14, 2010; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

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 73 years of service with the City of Tyler.

Retirees - Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
09/02/1977	Joel	Reams	Plant Operator III	Water Plant	32
02/16/1993	Jeffery	Callaway	Police Sergeant II	Police	17

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
07/12/2000	William	Canady	Equipment Operator II	Storm Water Management	10
07/24/2000	Scott	Smith	Police Officer V	Police	10

- A-2 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2009-2010 Budget document from the Government Finance Officers Association of the United States and Canada.**

Mayor Bass presented the “Distinguished Budget Presentation Award” for Fiscal Year 2009-2010 Budget to Daniel Crawford, Keidric Trimble and ReNissa Wade.

- A-3 Request that the City Council consider recognizing Tyler Police Officer James McCraw’s for receiving the Texas Crime Prevention Association (TCPA) Master Award for one of the state’s Outstanding Crime Prevention Specialists.**

Mayor Bass presented James McCraw with the Texas Crime Prevention Association (TCPA) Master Award for one of the state’s Outstanding Crime Prevention Specialists

Mayor Bass recognized two Mayor’s for the Day: James Sawyer and Yasmeeen Khalifa

ZONING

- Z-1 APPLICATION Z05-10-030 BRAD WATSON. (2233 DEERBROOK DRIVE AND 2248 ROY ROAD)
Request that the City Council consider a zoning change from “AG”, Agricultural District to “M-1”, Light Industrial District. (O-2010-66)**

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

- Z-2 APPLICATION Z06-10-044 XAVIER WOODS. (3414 BELLWOOD ROAD)**
Request that the City Council consider a zoning change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District.

Motion by Councilmember Sanders to deny the request; seconded by Councilmember Mezayek; motion carried 6 - 0 & denied as presented.

- Z-3 APPLICATION Z07-10-048 DARRELL HELMS (3159 POINTE NORTH DRIVE)**
Request that the City Council consider changing the zoning from "C-1", Light Commercial District to "M-1", Light Industrial District. (O-2010-67)

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

- Z-4 APPLICATION Z07-10-049 SANTIAGO AND OMAR VALDOVINOS (2515 AND 2512 EAST COMMERCE STREET)**
Request that the City Council consider a zoning change from "R-1B", Single-Family Residential District to "M-1", Light Industrial Residential District. (O-2010-68)

Motion by Councilmember Heines; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

- Z-5 APPLICATION Z07-10-050 JERRY LANDRUM (708 OAKLAND AVENUE)**
Request that the City Council consider a zoning change from "RMF", Multi-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2010-69)

Motion by Councilmember Wright; seconded by Councilmember Heines motion carried 6 - 0 & approved as presented.

- Z-6 APPLICATION Z07-10-052 ESTEBAN MONTES (701 KENNEDY AVENUE)**
Request that the City Council consider a zoning change from "RMF", Multi-Family Residential District to "R-1B", Single-Family Residential District. (O-2010-70)

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

Z-7 APPLICATION Z07-10-054 BOBBY STRICKLAND (1505 EAST GRANDE BOULDEVARD AND 6301 CIRCLE DRIVE)

Request that the City Council consider a zoning change from "AG", Agricultural District to "C-1", Light Commercial District and "RPO", Restricted Professional Office District.

Motion by Councilmember Wright to table the item; seconded by Councilmember Mezayek; motion carried 6 - 0 & table as presented.

Z-8 APPLICATION Z07-10-056 VILLAS OF HOLLYTREE (1120 LA VISTA DRIVE)

Request that the City Council consider a site plan amendment of the Villas of Hollytree zoned "PMF", Planned Multi-Family Residential District. (O-2010-71)

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

Z-9 APPLICATION Z07-10-057 ROBERT GEFFNER (3902 & 3912 OLD NOONDAY ROAD AND 3903 TIMMS STREET)

Request that the City Council consider a zoning change from "C-2", General Commercial District and "R-1A", Single-Family Residential District to "M-1", Light Industrial District. (O-2010-72)

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

Z-10 APPLICATION N05-10-002 CITY OF TYLER (OLD NOONDAY ROAD TO HUGHEY DRIVE)

Request that the City Council consider a street name change from Old Noonday Road to Hughey Drive. (O-2010-73)

Motion by Councilmember Sanders; seconded by Councilmember Wright; motion carried 6 - 0 & approved as presented.

Z-11 APPLICATION F07-10-074 PATTON WEST ADDITION, FINAL PLAT

Request that the City Council consider approving a plat and the waiver of required street improvements including \$98,007 in escrow for a seven lot subdivision.

Motion by Councilmember Sanders; seconded by Councilmember Heines motion carried 6 - 0 & approved as presented.

Councilmember Heines left



- Z-12 APPLICATION F07-10-077 POLLARD PARK ADDITION, FINAL PLAT**
Request that the City Council consider approving a plat and a deferral of the required street improvements including \$12,374 in escrow for Lot 5-G, NCB 824, until the building permit for a two lot subdivision.



Motion by Councilmember Wright; seconded by Councilmember Sanders; motion carried 5 - 0 & approved as presented.

Councilmember Heines return

- Z-13 APPLICATION COD07-10-006 FIRST PRESBYTERIAN CHURCH**
(230 West Rusk Street)
Request that the City Council consider an application from the First Presbyterian Church for a Certificate of Demolition to relocate a house located at 230 West Rusk Street.

Motion by Councilmember Heines; seconded by Councilmember Wright; motion carried 6 - 0 & approved as presented.

- Z-14 APPLICATION C07-10-011 PHIL BURKS (EAGLES NEST BOULEVARD)**
Request that the City Council consider a closing a portion of right-of-way known as Eagles Nest Boulevard. (O-2010-74)

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

PUBLIC HEARINGS

- H-1 Request that the City Council consider conducting a public hearing and provide direction on the Community Development Block Grant (CDBG) and HOME Programs FY 2010-2015 Consolidated Plan and FY 2010-2011 Annual Plan.**

Brenda Johnson and James Gilleylen gave a brief update on the Community Development Block Grant (CDBG) and HOME Programs FY 2010-2015 Consolidated Plan and FY 2010-2011 Annual Plan.

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 12 to exempt vehicles displaying disabled veteran, Purple Heart recipient, Medal of Honor recipient, or Prisoner of War license plates from airport parking fees at Tyler Pounds Regional Airport. (O-2010-75)**

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



O-2 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by creating a new exclusive bicycle lane on Old Omen Road. (O-2010-76)

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

O-3 Request that the City Council consider approving fees for use of Gallery main Street by amending City Code Chapter 2, by adding a new Article VIII, "Fees". (O-2010-77)

Motion by Councilmember Heines; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS



M-1 Request that the City Council consider approval of the FY 2010-2011 Annual Corporate Budget, Annual Work Program and Final Project Ranking for the One-Half Cent Sales Tax Capital Improvement Projects (CIP) under review for the next 60 days as required by the Corporation bylaws.

Motion by Councilmember Heines; seconded by Councilmember Sanders; motion carried 6 - 0 & approved as presented.



M-2 Request that the City Council consider authorizing the City Manager to award the construction contracts for the 2010 Pavement Enhancement Program. ©©©

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



M-3 Request that the City Council consider authorizing the City Manager to award the 2010 Airport Security Fencing Improvement Project at Tyler Pounds Regional Airport to Reynolds & Kay, Ltd., in an amount not to exceed \$190,051.50, and to recommend that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$9,502.57. ©

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



M-4 Request that the City Council consider authorizing the City Manager to award the 2010 Pleasant Retreat Road Relocation Project at Tyler Pounds Regional Airport to Reynolds & Kay, Ltd., in an amount not to exceed \$1,458,845.48, and recommend that the Half Cent Sales Tax Board authorize the five percent local share totaling \$72,942.27. ©

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

M-5 Request that City Council consider reviewing and accepting the Revenue/Expenditure Report for the quarter ending June 30, 2010.

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 6 -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 purchase 1.8 wetlands credits at a cost of \$27,000 (\$15,000 per credit) from Sabal Wetland Preserve Mitigation Bank for the US 69/I-20 water line project.

C-A-2 Request City Council consider ratifying staff action authorizing an agreement with Aquatic Management Services in an amount not to exceed \$84,375 for the treatment of 101.08 acres of hydrilla in various locations around Lake Tyler and Lake Tyler East. ©

C-A-3 Request that the City Council consider awarding Bid No. 10-029 in the amount of \$124,125 to The Anchor Group, Inc. for the construction of new wrought iron fencing at Rose Hill Cemetery and authorize the City Manager to execute the Contract.

C-A-4 Request that the City Council Consider authorizing the City Manager to execute the release of the 10-foot utility easement associated with Lots 11-15, NCB 900X (4003, 4009, 4013, 4019, and 4027 Post Oak Road), Tyler, Texas. ©

C-A-5 Request that the City Council consider a resolution authorizing the City Manager enter into an Interlocal Agreement on behalf of the City of Tyler with the Texas Department of Transportation (TXDOT) to enable the Police Department to be a testing and evaluation site for the proposed state wide Crash Reporting and Analysis for Safer Highways (CRASH) system at no cost to the City. (R-2010-18)



C-A-6 Request that the City Council consider adopting a Resolution ratifying submission of an application for and accepting Federal Aviation Administration (FAA) Grant Funds totaling \$3,373,283 for a required Wildlife Hazard Assessment, Security Fencing Projects, Airport Rescue and Fire Fighting equipment and Runway Safety Area Improvements on Runway 4/22 at Tyler Pounds Regional Airport. This resolution also accepts any grant amendments to increase the grant funding levels, as

well as authorizing the City's match payment not to exceed five percent for proposed grant projects. (R-2010-19)

- C-A-7 Request that the City Council consider authorizing the City Manager to execute Work Order No. 12 for construction administration and inspection services with Wisenbaker, Fix and Associates for the Pleasant Retreat Road Relocation Project at Tyler Pounds Regional Airport in an amount not to exceed \$181,196, and for the Half Cent Sales Tax Board to consider funding the maximum local obligation of \$9,060. ©
- C-A-8 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2010-20)
- C-A-9 Request that the City Council consider authorizing the City Clerk (Officer for Public Information and Records Management Officer) to repeal the previously adopted 1994 City Records Control Schedules and to declare the City has now adopted the Records Retention Schedules issued by the Texas State Library and Archives Commission for use in the City's Records Management Program and to REPEAL AND REENACT City Code, Chapter 1, "General Provisions", Article VII. City Records; City Clerk, Sections 1-60 thru 1-79 to reflect the changes in the City's Records Management Program. (O-2010-78)
- C-A-10 Request that the City Council review and accept the Workers' Compensation and Property and Casualty Report for the prior fiscal year 2008-2009 through 3/31/2010 of the current fiscal year 2009-2010 and ratify all claims and settlements.
- C-A-11 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending June 30, 2010.

Motion by Councilmember Sanders to approve the entire consent agenda; seconded by Councilmember Whatley; motion carried 6 -0 & approved as presented.

CITY MANAGER'S REPORT

1. Proposed budget first review next time on 8-11-10

RECESS FOR EXECUTIVE SESSION – City Council convened into Executive Session at 10:39 am.

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

-under section 551.071 "Litigation" deliberation regarding the following:

1. Appeal of Condemnation & TCEQ docket involving TTUC (Algonquin)
2. Maldonado v. City of Tyler Texas

July 28, 2010

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

City Council reconvened from Executive Session at 11:13 am with the following action:

Motion by Councilmember Mezayek to settle the Maldanodo lawsuit for \$6,000.00; seconded by Councilmember Heines; motion carried 6 -0 & approved as presented.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 11:14 am; seconded by Councilmember Heines; motion carried 6 -0 & meeting adjourned.

Barbara Bass

BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK

