

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
October 26, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 26, 2011 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Sam Mezayek
Councilmembers: Martin Heines
Donald Sanders
Mark Whatley
Ralph Caraway
Jason Wright

City Manager: Mark McDaniel
City Attorney: Gary C. Landers
Assistant City Attorney: Deborah Pullam
Main Street Director: Beverly Abell
Human Resources Director: ReNissa Wade
Neighborhood Services Manager: Brenda Johnson
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
City Police Chief: Gary Swindle
Director of External Relations & Organizational Development: Susan Guthrie
Director of Parks and Recreation: Stephanie Rollings
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Budget/Internal Auditor: Keidric Trimble
Transit Manager: Heather Nick
Water Quality and Production Manager: Jimmie Johnson
Director of Utilities & Public Works: Greg Morgan
Traffic Engineer: Peter Eng
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

MINUTES

Motion by Councilmember Caraway to approve the October 12, 2011 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

We would like to recognize the following employee for his 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 **25-years** of service with the City of Tyler.

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
10/13/1986	W. Dan	Brotton	Director of Solid Waste	Solid Waste	25

PRESENTATIONS

P-1 Request that the City Council consider receiving a presentation from the Traffic Department regarding the Downtown Signal Upgrade Project.

Traffic Engineer, Peter Eng – Showed a powerpoint presentation regarding the downtown signal upgrade project.

PUBLIC HEARINGS

H-1 Request that the City Council consider conducting a public hearing and adopting an Ordinance renewing the designation of Reinvestment Zone No. 3, The Trane Company for commercial and industrial tax abatement. (O-2011-83)

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

ZONING

**Z-1 APPLICATION Z09-11-054 JOSE M. SAUCEDO (917 SOUTH VINE AVENUE)
Request that the City Council consider changing the zoning from “R-1B”, Single-Family Residential District to “C-1”, Light Commercial District. (O-2011-84)**

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



**Z-2 APPLICATION Z10-11-057 DOMING ESCOBAR (1507 NORTH DARGAN AVENUE)
Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. (O-2011-85)**

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



- Z-3 APPLICATION Z10-11-058 JOSE CAZARES (415 THOMAS STREET)**
Request that the City Council consider changing the zoning from “M-1”, Light Industrial District to “R-1B”, Single-Family Residential District. (O-2011-86)

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

- Z-4 APPLICATION Z10-11-059 JACK M. KING, JR. (7395 SOUTH BROADWAY AVENUE)**
Request that the City Council consider changing the zoning from “PCD”, Planned Commercial District to “C-1”, Light Commercial District. (O-2011-87)

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

- Z-5 APPLICATION Z10-11-060 ROBERT LEE, JR. (709 WHITESIDE ROAD)**
Request that the City Council consider changing the zoning from “R-MF”, Multi-Family Residential District to “R-1A”, Single-Family Residential District. (O-2011-88)

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

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution authorizing the placement of the official motto of the United States in the Tyler Council chambers in the current fiscal year, pending the receipt of private funding for this project. (R-2011-32)**

Councilmember Wright – Stated that any changes made to the signage will be done by raising private funds. Tyler is a community that exhibits an overall attitude of faith. To bring our National motto right here in City Hall is an important step.

Rosalie Howerton, 2807 Juniper Lane – Stated that Smith County is the second County in the U.S. that will have “In God We Trust” in its County and City chambers.

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

- R-2 Request that the City Council consider adopting a Resolution authorizing the filing of an application with the East Texas Council of Governments (ETCOG) for a Regional Solid Waste Grant, and authorizing the City Manager to take all actions needed to receive and expend grant funds. (R-2011-33)**

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

ORDINANCE

O-1 Request that the City Council consider adoption of an Ordinance approving appointments to the Boards of Directors of the Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2), the Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3), and the Tyler Redevelopment Authority. (O-2011-89)

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

City Council recessed at 9:22 am and called the joint meeting of the Board of Directors of the Reinvestment Zone Number Two, Reinvestment Zone Number Three, and Tyler Redevelopment Authority Communication to order.

RECESS

CONVENE

**CITY OF TYLER JOINT MEETING OF THE BOARDS OF DIRECTORS
OF THE REINVESTMENT ZONE NUMBER TWO,
REINVESTMENT ZONE NUMBER THREE, and
TYLER REDEVELOPMENT AUTHORITY COMMUNICATION**

1. Call to Order – Barbara Bass, Chair
2. Recognition of New and/or Re-appointed Board Members - Barbara Bass, Chair
3. **Approve Board Minutes – Barbara Bass, Chair:**
 - a. Approve TIRZ No. 2 Minutes for Dec. 10, 2008
 - b. Approve TIRZ No. 3 Minutes for Dec. 10, 2008
 - c. Approve TIRZ No. 2 Minutes for Oct. 13, 2010
 - d. Approve TIRZ No. 3 Minutes for Oct. 13, 2010
 - e. Approve Redevelopment Authority Minutes for October 13, 2010
 - f. Approve Redevelopment Authority Minutes for April 13, 2011

Motion by County Commissioner/TIRZ board member Hampton; seconded by Mayor Pro Tem/ TIRZ board member Mezayek; motion carried 7 - 0 & approved as presented.

4. **Consider election of Vice Chair - Barbara Bass, Chair**
 - a. Consider election of Vice Chair for TIRZ No. 2
 - b. Consider election of Vice Chair for TIRZ No. 3
 - c. Consider election of Vice Chair for Tyler Redevelopment Authority

Motion by Mayor Pro Tem/ TIRZ board member Mezayek to re-elect Commissioner/TIRZ Board member JoAnn Hampton as Vice Chair; seconded by Councilmember/TIRZ board member Wright; motion carried 7 - 0 & approved as presented

- 5. **Review and consider acceptance of the TIRZ No. 2, the TIRZ No. 3 Annual Reports by the TIRZ No. 2, TIRZ No. 3 and the Redevelopment Authority Boards, respectively – Susan Guthrie, Managing Director of External Relations.**

Susan Guthrie, Managing Director of External Relations- Stated that the TIRZ No. 2 and TIRZ No. 3 Board of Directors serve to approve and monitor financing public improvement projects and development projects as defined in the TIRZ No. 2 and TIRZ No. 3 boundaries.

Motion by Councilmember/TIRZ board member Heines; seconded by County Commissioner/TIRZ board member Hampton; motion carried 7-0 & approved as presented.

- 6. **Consider receiving a presentation on the Downtown parking garage preliminary design authorized on April 13, 2011.**

Carter Delleney, City Engineer – Gave a brief presentation on the preliminary design of the downtown parking garage.

- 7. **Consider receiving a presentation on proposed Downtown Tyler streetscape improvement concepts as conceived by a volunteer citizen Streetscape Task Force of Heart of Tyler, Inc. (HOT) – Beverly Abell, Main Street Manager.**

Beverly Abell, Main Street Department Leader – Introduced the Streetscape Task Force.

Mike Butler – Stated that Tyler 21 identified the downtown as the heart of the City. The committee divided into teams to generate recommendations in four areas of concentration:

- 1. Roadway, Sidewalk, Enforcement and Code Recommendations
- 2. Street Furniture Recommendations
- 3. Landscape Recommendations
- 4. Signage, Branding and Public Art Recommendations

Adjourn

Motion by Councilmember/TIRZ board member Whatley to adjourn at 9:42 am; seconded by Mayor Pro Tem/TIRZ board member Mezayek; motion carried 7 - 0 & approved as presented.

RECONVENE October 26, 2011, CITY COUNCIL MEETING

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute Work Order No. 1 with Wisenbaker Fix & Associates, in the amount of \$230,000, for the**

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design and construction phase services associated with the Charleston Park Booster Station. ©

Greg Morgan, Director Utilities & Public Works – Stated that in 2010 Tyler Water Utilities developed a Water System Master Plan in order to plan the growth of the water production and distribution system, as well as identifying deficiencies within the existing system. This master plan identified several areas throughout Tyler where pressures approached the 35 psi minimum established under Texas Commission on Environmental Quality (TCEQ) regulations. One area was in the vicinity of Terra Haute. A booster station was designed for this area and is now under construction. Another area identified with low pressures is in the vicinity of Charleston Park Subdivision. When developing the Fiscal Year 2011-2012 Budget, \$678,500 was earmarked for the design and construction of a booster station for the Charleston Park area.

While the Master Plan indicated low pressures which stayed above the 35 psi minimum, during the summer of 2011 Tyler Water Utilities experienced pressures which dropped into single digits during early morning, peak demand periods. Through field investigations which included monitoring system pressures 24 hours per day as well using the new FlexNet metering system to obtain hourly consumption data for larger use customers, it has been determined that the high pressure zone created by a booster station will need to be expanded from the Charleston Park Subdivision to include the Belle Mare area as well as the University of Texas at Tyler (UTT)

Because of UTT consumption levels, discussions have been held (but not finalized) regarding a partnership between Tyler Water Utilities and UTT for the construction of an expanded booster station. The benefit for Tyler Water Utilities would be additional funding to offset increased cost while the benefit to UTT would be elimination of an existing on-site booster station which is currently experiencing operational and maintenance issues.

Mr. Morgan stated that in the communication is an engineering proposal from Wisenbaker, Fix & Associates (WFA), in the amount of \$230,000, to perform the preliminary engineering study to define actual high pressure zone boundary (proposal based on inclusion of UTT), actual project design, bidding phase services, as well as project representative services during construction. WFA is the best qualified to serve as project engineers as they developed the master plan and associated model, designed the existing UTT booster station approximately 12 years ago, are most familiar with Tyler Water Utilities operating parameters and have a thorough understanding of TCEQ regulations and requirements.

Motion by Councilmember Whatley; seconded by Mayor Pro Tem 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 ratifying staff action for the emergency bridge repair on Camellia Street at Sunnybrook Drive by Heartbeat Construction in the amount of \$34,670. ©
- C-A-2** Request that the City Council authorize the City Manager to execute a new non-profit lease for Airport Lease Tract 3 at Tyler Pounds Regional Airport between the Civil Air Patrol and City of Tyler. ©
- C-A-3** Request that the City Council consider authorizing the City Manager to accept grant funding through the Family Self Sufficiency Program (FSS) for one FSS Coordinator position to enhance the housing efforts of the department.
- C-A-4** Request that the City Council consider authorizing the City Manager to approve expenditure of \$34,886 to Smith Pump Company for Pump Repairs and the lowering of the Suction Intake Column at the Lake Tyler Raw Water Pump Station.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute a standing Professional Services Agreement, with Wisenbaker Fix & Associates, for various water, wastewater and stormwater projects. ©
- C-A-6** Request that the City Council consider ratifying staff action authorizing A.E. Shull and Company to perform emergency dredging at the Lake Tyler Marina and extension of the marina boat ramp, in the amount of \$35,935, to provide access to Lake Tyler, Lake Tyler East and the marina fueling facilities. ©
- C-A-7** Request that the City Council consider ratifying amendments to the Americans with Disabilities Act Complementary Paratransit Service contract with NDMJ, LLC, including clarification of fees, reporting requirements, penalties and certification of vehicles. ©

Motion by Mayor Pro Tem Mezayek; seconded by Councilmember Whatley; motion carried 6 – 0 -1 & approved as presented.

- C-A-8** Request that the City Council consider adopting an Ordinance amending Chapter 3, “Personnel/Civil Service”, Article III., “Civil Service for Firefighters and Police Officers”, Division 2, “Classification Plan” and Division 3, “Other Compensation”. (O-2011-90)



- C-A-9** Request that the City Council consider the adoption of an Ordinance ratifying the approval of the Project and Financing Plans for Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2) and Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) and finding that such plans are feasible. (O-2011-91)



- C-A-10** Request that the City Council consider approving the submission of the Annual Reports for TIRZ No. 2 and TIRZ No. 3 to all other taxing entities and to the State of Texas Comptroller as required by law.

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Motion by Mayor Pro Tem Mezayek to approve the entire consent agenda except C-A-7; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented

CITY MANAGER'S REPORT

1. **Community concerns over Homeless, time to form Mayor's Task Force on Homeless, City Councilmember Heines will chair.**
2. **Mayor Bass- Thanked all the volunteers for showing up at Liberty Hall last night for the Boards and Commission appreciation dinner.**

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:

Ex Session No.1:

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

1. **Possible or contemplated litigation relating to the resolution of extraterritorial jurisdiction boundaries with the City of Whitehouse**
2. **Possible contemplated litigation involving Guinn Farms subdivision street conditions**
3. **Possible contemplated litigation involving TTUC (Algonquin)**

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

Ex. Session 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

No final action taken from executive session

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ADJOURNMENT

Motion by Mayor Pro Tem Mezayek to adjourn the meeting at 11:05 am; seconded by Councilmember Whatley; motion carried 7 - 0 & meeting adjourned.


**BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS**

ATTEST:


CASSANDRA BRAGER, CITY CLERK

