

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 8, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 8, 2012 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
Deputy City Attorney: Steve Kean
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
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
MPO Executive Director & Transit Director: Barbara Holly
Director of Solid Waste: Dan Brotton
Budget/Internal Auditor: Keidric Trimble
City Planner: Heather Nick
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

MINUTES

Motion by Councilmember Caraway to approve the January 25, 2012 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognitions

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

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New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Jeff	Bell	Airport Technician III	Airport
Matthew	Daniel	Fire Recruit	Fire
Susan	Gottschalk	GIS Addressing Technician	GIS
Rebekah	Hill	Public Service Officer	Police

RESOLUTION

R-1 Request that the City Council consider adoption of a Resolution approving an Interlocal Agreement with the City of Whitehouse establishing an agreed upon Extraterritorial Jurisdiction boundary southeast of Tyler. (R-2012-5)

Mayor recognized several representatives from the City of Whitehouse who were present.

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

ZONING

**Z-1 APPLICATION Z02-12-013 GATEWAY TO HOPE (601 VALENTINE STREET)
Request that the City Council consider approving a zoning change from "M-1", Light Industrial District to "DBAC", Downtown Business, Arts and Culture District. (O-2012-7)**

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

**Z-2 APPLICATION S02-12-005 GATEWAY TO HOPE (601 VALENTINE STREET)
Request that the City Council consider a request for a Special Use Permit in order to allow for the operation of a homeless day resource room for a one year period of time. (O-2012-8)**

Motion by Councilmember Caraway to amend the request for a permit to a one year special use permit from the date of issuance of a Certificate of Occupancy; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as amended

Barbara Gilbreath, 5411 Ashbury Ct – Thanked the City for the interest in the project and she feels very passionate about getting something established for our friends and neighbors that have no other means of support. This will be an asset to our community to help people better themselves. She stated that she appreciates any support that can be given from the City Council.

Greg Grubb, 2723 Chilton – Stated that he was in support of this proposal. As part of an overall city effort to address the homelessness issues that we have are going to be ongoing

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unless we take some steps to address them. The services that will be offered here are to assist our neighbors. As a good neighbor our whole intention will be followed through to comply with the terms of the special use permit including being a good neighbor to those businesses and residents physically around this site. The goal will be to help people that are currently homeless not be homeless any more.

Tracy Crawford, 4040 New Copeland Rd. – Stated that they have a bunch of folk that are committed to this project and believe it will be something that will change lives.

Domingo Guerra, 10009 FM 14- Stated that he was against the project because it is going to be hard for people in the neighborhood to feel safe with people wandering around in their neighborhood.

Esperanza Avalos, 613 E. Valentine St. – (Interpreter) Stated that Ms. Avalos is the neighbor east of the proposed location. It was stated that there is just a chain length fence separating the two properties and she is concerned for safety reasons.

Manuel Mendez, 614 E. Valentine – Stated that his restaurant is located in this area. (Interpreter) Stated that Mr. Mendez has plans for his restaurant and does not think this is an ideal place to do the shelter. Mr. Mendez is also worried about safety and having this business there will affect him in certain ways. The idea of the shelter is a great thing but he has five kids and he is worried about the safety of his kids. Most of the people in this type of shelter are homeless because their families don't like them, they don't agree with them, they are irresponsible, or drug addicts and they have their reasons for being homeless. It was stated for Mr. Mendez that he had a similar problem with a shelter in Dallas across from his restaurant where the homeless people asked for food and broke into cars at his location.

Andy Harell, (owns land in the area) - Stated that he has several properties located in the City of Tyler and was never notified of this taking place but read it in the newspaper. Mr. Harell stated that he understands that this will not be a place that they will stay overnight. He understands that there is not a facility in town like this now. Mr. Harell stated that he has a piece of property in that area that he is trying to develop, families in that area, and the thing about it is these folk probably need some help but what is it going to do to our neighborhood and business?

Pat Mallory, 3533 Woods Blvd – Stated that she understands the feelings of everyone that just spoke, but what they are trying to do is help the residents. The homeless people are already in their neighborhood walking around and hanging out. What they are trying to do is give the homeless people a way to get out of their area and go to a job. They will not hang out at the Day Resource Center all day, they will come in and take care of business and will not be allowed to hang out.

Judith Guthrie, 423 S. Chilton – Stated that the homeless issue has become part of the mission at First Presbyterian Church and a concern to do something. A Day Resource Center is a great first start.

ORDINANCE

- O-1** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 15 to adopt a proposed gas franchise ordinance with Atmos Energy Corporation on the third of three required readings. (O-2012-9)

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

MISCELLANEOUS

- M-1** Request the City Council consider authorizing City staff to advertise for bids for the construction of the 2012 Asphalt Pavement Enhancement Program.

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

- M-2** Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending December 31, 2011.

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

- M-3** Request that the City Council consider approving final acceptance and releasing final retainage in the amount of \$66,390.33 to Reynolds and Kay, Ltd for the Highway 69 and Interstate 20 Water Improvements project. ©

Motion by Councilmember Caraway; 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 the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2011.

- C-A-2** Request that the City Council consider authorizing the City Manager to contract with Pitney Bowes for new postage meter with upgraded software and support. ©

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C-A-3 Request that the City Council consider releasing retainage in the amount of \$12,023.90 to J.C. Johnson Construction Company for construction of the Transit Department drainage improvements.

C-A-4 Request that the City Council consider authorizing the City Manager to sign a contract for Computer Aided Dispatch software for the Transit Department. ©

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

Mayor Announcement – In follow up to ETJ agreements and working together, it's time to create a new Council of Cities (including cities in Smith County, Smith County Commissioners Court, and Chandler). The first meeting will be held March 19, 2012.

CITY MANAGER'S REPORT

1. Handout schedule of events for annual Half Cent Sales Tax Prioritization process.
2. Master Street Plan update is underway, calendar passed out
3. Handout CIP & TxDot monthly update.
4. About 8 weeks out from report on Convention Center feasibility.
5. City Council election filing has begun.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:16 am


-under section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to prospects and to consider financial and other information about that prospects/projects with which the City is conducting economic development negotiations that could lead to a partnership in Tyler


City Council reconvened from executive session at 10:28 am with no action taken.

ADJOURNMENT

Motion by Councilmember Caraway to adjourn the meeting at 10:28 am; seconded by Mayor Pro Tem Mezayek; motion carried 7 - 0 & meeting adjourned.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK
TEXAS

