

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 22, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 22, 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
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
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
Executive Director of MPO:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Manager of Vehicle Services:	Russ Jackson
Budget/Internal Auditor:	Keidric Trimble
City Planner:	Heather Nick
Managing Director for Utilities/Public Works & Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

MINUTES

Motion by Mayor Pro Tem Mezayek to approve the February 8, 2012 minutes; seconded by Councilmember Caraway; motion carried 7 - 0 & approved as presented

PRESENTATIONS

P-1 Request that the City Council consider hearing a presentation regarding the status of Tyler's application as a Heart and Stroke Healthy City.

George Roberts, 513 N. Broadway – Thanked City Council for their support and gave some stats and facts concerning the impact that the FIT City Challenge has had on the community.

Ann Quinn Todd, Texas Council on Cardiovascular Disease and Stroke – Presented the City and numerous participants awards and stated that the City Council has received the Gold level for the heart and stroke healthy city recognition program for 2011.

ZONING

Z-1 APPLICATION Z02-12-011 MILKA REAVES (2021 EAST GENTRY PARKWAY)
Request that the City Council consider approving a zone change from “M-1”, Light Industrial District to “C-1”, Light Commercial District. (O-2012-10)

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

Z-2 APPLICATION Z02-12-012 PRESTIGE ESTATES LLC (6928 PALUXY DRIVE)
Request that the City Council consider approving a site plan amendment for “PMF”, Planned Multi-Family District. (O-2012-11)

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

Z-3 APPLICATION F02-12-032 AMP ADDITION, FINAL PLAT
Request that the City Council consider approving a one lot subdivision containing approximately 0.74 acres of land located south of the southwest intersection of Bellwood Road and Whiteside Road, and a waiver of \$4,743 in escrow for street improvements to Whiteside Road.

Motion by Councilmember Sanders to approve the plat and wave the requirements for the escrow; seconded by Councilmember Heines motion carried 7 - 0 & approved as presented.

Councilmember Whatley stated that he thinks this is something that will need to be looked at a little further with the developer roundtable or it could create a problem if we don't going forward. He stated that he understand the situation with this particular lot the likelihood of curb and gutter getting in there in the next 10 years, it's probably pretty small but you never know if we're going to do some grants in those areas. Councilmember Whatley stated that he doesn't want this to seem like City Council is setting precedence and that is his concern on this particular lot. Given the location of this if this was a little further north before the cut off that goes back up to Hwy 31 it would be more of a likelihood of that happening and he could understand this particular situation maybe causing a hardship.

Z-4 APPLICATION F02-12-036 OLIVARES ADDITION, FINAL PLAT
Request that the City Council consider approving the plat for a three lot subdivision containing approximately 9.52 acres of land located west of the southwest intersection of County Road 4149 and County Road 468, and a waiver of \$102,166 in escrow for street improvements to County Road 468.

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



Z-5 APPLICATION A02-12-002 DAVID HANNAH (14170 FM 2964)

Request that the City Council consider adopting an Ordinance providing for the voluntary annexation of certain sparsely occupied land located near 14170 FM 2964. The proposed annexation area consists of approximately 2.35 acres lying adjacent to the present boundary limits of the City of Tyler at the intersection of Roy Road and FM 2964. Also consider recommending: (O-2012-12)

- A. The new boundary of the City Limits.
- B. The new boundary of the Extraterritorial Jurisdiction.
- C. The new boundary of City Council District #5.
- D. The Land Use Guide to reflect a Neighborhood Commercial Land Use.
- E. Original zoning of 2.35 acres of "C-1", Light Commercial District.

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

PUBLIC HEARINGS



H-1 APPLICATION A04-11-002 UNIVERSITY OF TEXAS HEALTH AND SCIENCE CENTER OF TYLER ANNEXATION

Request that the City Council conduct the first of two public hearings and consider public input on the proposed annexation of University of Texas Health and Science Center at Tyler.

RESOLUTION

R-1 Request that the City Council consider a Resolution calling an Election for May 12, 2012, to fill the offices of Mayor and Tyler City Council Members for Single Member District Nos. 2, 4, and 6 on the Tyler City Council and calling for a joint election with the Tyler Independent School District, Tyler Junior College and Whitehouse Independent School District. (R-2012-6)

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

R-2 Request that the City Council consider passing a Resolution suspending the effective date of Atmos Mid-Tex's proposed rate increase which is proposed to be March 6, 2012. (R-2012-7)

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

ORDINANCE

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- O-1 Request that the City Council consider approving a proposed gas franchise Ordinance with Centerpoint-Reliant-Entex on the first of three required readings. (no ordinance number since first reading ordinance is just a first draft and not final document)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider awarding portions of Bid No. 12-001 for Grounds Maintenance Services to Signature Contracting Services, LL, Integrity Tree Care, Landscaping, Brosangs Landscaping, Lawn Masters and authorize the City Manager to execute the four Contracts. ©©©©**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute Work Order No. 1 with Wisenbaker, Fix & Associates in the amount of \$283,000 for the Golden Road Water Treatment Plant Backwash Pump Station project. ©**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute a new Master Agreement for Engineering services with Wisenbaker, Fix and Associates for engineering, planning, environmental, and construction phase services on an "as needed" basis in connection with the development and improvement for Tyler Pounds Regional Airport. ©**

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

- M-4 Request that the City Council consider recommending that the City Manager accept a new Texas Department of Transportation (TXDOT) Routine Airport Maintenance Program (RAMP) Grant totaling \$50,000 for general maintenance programs at Tyler Pounds Regional Airport.**

Motion by Mayor Pro Tem Mezayek; seconded by Councilmember Whatley; 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).

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- C-A-1** Request that the City Council consider authorizing the City Manager to purchase various replacement vehicles and equipment.
- C-A-2** Request that the City Council consider authorizing the City Manager to utilize various Purchasing Cooperatives for fleet replacement vehicles, equipment, and various vendors for sole source for parts and service.
- C-A-3** Request that the City Council consider authorizing the City Manager to execute an agreement providing for the transfer of a surplus 2002 Toyota Prius Hybrid Sedan to the Tyler Junior College Automotive Technology Department.©
- C-A-4** Request that the City Council consider ratifying staff action for payments to Dixon Services in the amount of \$473,486.07 for right-of-way acquisition for the US Highway 69 / Interstate Highway 20 Water and Sewer projects.
- C-A-5** Request that the City Council consider ratifying the payment to Hairston Family Partnership, in the amount of \$27,332.55, for the over-sizing of water system improvements associated with Holly Heights Addition, Unit 5.
- C-A-6** Request that the City Council consider approving a Non-Federal Reimbursable Agreement between the Federal Aviation Administration (FAA) and Tyler Pounds Regional Airport for preliminary engineering services for the relocation and replacement of Navigational Aids (NavAids) in the amount of \$30,000 and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$3,000. ©

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

CITY MANAGER'S REPORT

- 1. Flyer announce Council of Cities meeting set 3-19-12 at Harvey Convention Center**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:45 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:

Possible or contemplated litigation relating to the resolution of extraterritorial jurisdiction boundaries involving the Smith County Municipal Utility District No. 1.

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

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-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 those 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 10:00 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting; seconded by Mayor Pro Tem Mezayek; motion carried 7 – 0; meeting adjourned at 10:00 am.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

