

**MINUTES OF THE
SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 26 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 26, 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
City Fire Chief:	Tim Johnson
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
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 September 12, 2012 minutes; seconded by Councilmember Mezayek; motion carried 7 - 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 33-years of service with the City of Tyler.

Retiree Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
3/8/1995	Violet	Webster	Juvenile Program Coordinator	Municipal Court	17
2/10/1996	J. Frank	Brewer	Police Officer VIII	Police	16

A-2 BLUE PRINT AWARD

Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for placing the highest premium on responsiveness to citizens' needs.

Mayor Bass presented Sherry Pettit as the recipient of the Blueprint Blue Ribbon Award winner for placing the highest premium on responsiveness to citizens' needs.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 1 to update, clarify, streamline and/or remove unnecessary wording from various provisions related to code codification, code rules, fees, procedure for placing a matter on City Council agendas, City boards, and the general City Administrative Appeals Procedures. (O-2012-71)

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

ZONING



Z-1 AREA DEVELOPMENT PLAN FOR MEDICAL DISTRICT AND TYLER JUNIOR COLLEGE

Request that the City Council consider adopting the Midtown Area Development Plan as a guide for making decisions for the future growth and development of the district. (O-2012-72)

Mary Jackson, Trinity Mother Frances Clinics & Tyler Chamber of Commerce – Stated that she was very excited about the project and that the plan was very collaborative

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



Z-2 Z03-12-014 JIM KEELING (1401, 1415, 1501, 1503, 1505, 1509, 1513, 1519, 1527, 1603, 1607, 1611, 1703 & 1719 LAKE PLACID ROAD)


Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “PXR”, Planned Mixed Residential District with final site plan. (O-2012-73)

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

- Z-3 Z09-12-053 TRP & SLP REAL ESTATE (420 EAST 5TH STREET)**
Request that the City Council consider approving a zone change from “AR”, Adaptive Reuse District to “RPO”, Restricted Professional Office District. (O-2012-74)

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

-  **Z-4 Z09-12-054 DON & NADINE TURNER (2808 LUTHER STREET)**
Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. (O-2012-75)

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

- Z-5 Z09-12-055 PATH (708 & 716 WEST QUEEN STREET)**
Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. (O-2012-76)

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

- Z-6 Z09-12-056 TYLER STONEGATE DEVELOPMENT PARTNERS, LTD. (1810, 1822, 1834, 1838, 1846, 1858, 1864, 1876, 1882, 1881, 1875, 1853 & 1841 STONEHAVEN COURT) (O-2012-77)**
Request that the City Council consider approving a site plan amendment for property zoned “PUR”, Planned Unit Residential District.

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

- Z-7 C09-12-004 TYLER BLUE RIDGE (LAUREL SPRINGS LANE AND CABIN TRAIL)**
Request that the City Council consider closing unimproved rights-of-way known as Laurel Springs Lane and Cabin Trail. (O-2012-78)

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

- Z-8 APPLICATION F09-12-098 CAMBRIDGE BEND ESTATES UNIT 4, FINAL PLAT**
Request that the City Council consider approving the final plat for a 29 lot subdivision containing approximately 11.92 acres of land located east of the northeast intersection of Cambridge Bend and Oberlin Court, and a waiver of \$98,291 in escrow for street improvements.

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Motion by Councilmember Wright to approve the plat and deny the waiver to escrow; seconded by Councilmember Caraway; motion carried 7 - 0 & approved as presented.

Z-9 S09-12-009 FRANK SIMMONS (425 McMURREY DRIVE)

Request that the City Council consider recommending a special use permit renewal for the continued use of a temporary office trailer for a five year period of time. (O-2012-79)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to purchase a Model GVL-EN-144 Garaventa Enclosed Genesis Hydro Lift for the Tyler Rose Garden Center from United Elevator Company of Tyler, Texas, in the amount of \$55,183.60 through the BuyBoard Cooperative purchasing program. This includes removal of the current lift, and furnishing all necessary labor and material. ©

Motion by Councilmember Bowdre; seconded by Councilmember Caraway; 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 awarding bids opened August 28, 2012, for the purchase of various annual chemical price agreements for chemicals, from October 1, 2012 thru September 30, 2013, to the listed vendors.

C-A-2 Request that the City Council ratify city staff action of the emergency purchase of two (2) return activated sludge screw pumps for the Southside Wastewater Treatment Plant, in the amount of \$62,796 from Applied Industry Technologies, Tyler, Texas.

C-A-3 Request that the City Council consider authorizing the City Manager to award the Fiscal Year 2012-13 annual contract for furnishing uniform/floor mat rental, bid number 12-045, from October 1, 2012, thru September 30, 2013, to Aramark Uniform Services of Tyler, Texas. ©

C-A-4 Request that the City Council consider approving the Excess Workers Compensation Insurance and claims handling contracts for the City of Tyler for fiscal year 2012-2013.

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- C-A-5** Request that the City Council consider approving the Property and Casualty Insurance and claims handling contracts for the City of Tyler for fiscal year 2012-2013.
- C-A-6** Request that the City Council consider authorizing the City Manager to execute a new Metropolitan Planning Organization operating contract between the Texas Department of Transportation and the City of Tyler, Texas which is the designated fiscal agent. The contract period is September 26, 2012 through September 26, 2014.
- C-A-7** Request that the City Council consider authorizing the City Manager to award a construction contract in the amount of \$48,328 to Riley Harris Construction L.P. for the remodel of the Water Business Office.
- C-A-8** Request that the City Council consider adopting an ordinance amending Tyler City Code Chapters 1, 8, 14 and 19, clarifying provisions related to persons with disabilities, allowing exceptions for service or assistance animals that are specially trained or equipped to assist persons with disabilities, and clarifying animal nuisance regulations. (O-2012-80)
- C-A-9** Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 18 to update and clarify regulations related to graffiti abatement, and amending Tyler City Code Chapter 4 by moving aerosol paint regulations for minors from Chapter 18 to Chapter 4. (O-2012-81)

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

BOARD APPOINTMENTS

- B-1** Request that the City Council consider making appointments and reappointments to various City Boards.

Councilmember Heines made the motion to reappoint and appoint members to the Tyler Health Facilities Development Corporation Board of Directors; seconded by Councilmember Bowdre; motion carried 7-0 & approved as presented.

Re-appointed

Allen Bell

Appointed

Blake Beavers

Bill Clawater

John Garrett

James C. Wynne III

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Councilmember Heines made the motion to appoint members to the Industrial Development Corporation Board; seconded by Councilmember Mezayek; motion carried 7-0 & approved as presented

Appointed

Jason Surratt and Justin Riggan

CITY MANAGER'S REPORT

1. Reset 2nd City Council meeting in November to the 7th or 13th of November. Will have on next agenda for City Council to vote on.
2. City U graduation today.

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:

-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 Mayor Pro Tem Whatley to adjourn the meeting at 10:19 am; seconded by Councilmember Mezayek; motion carried 7 - 0 & meeting adjourned.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK TEXAS

