

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 22, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 22, 2013 at 9:00 a.m. in the City Council Chambers, 2nd floor of 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
City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Gary C. Landers
Communications Manager:	Kristi Boyett
Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
MPO Executive Director/Transit Director:	Barbara Holly
City Planner:	Heather Nick
Water Quality and Production Manager:	Jimmie Johnson
Traffic Engineer:	Peter Eng
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Mezayek to approve the May 8, 2013 minutes; seconded by Councilmember Caraway; motion carried 6 - 0 & approved as presented.

ELECTIONS

E-1 Request that the Mayor administer the Oath of Office to the City Councilmembers for Districts 1, 3, 5 and 6.

Mayor Bass administered the Oath of Office to Sam Mezayek, Edward Moore, Mark Whatley and John Nix.

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E-2 Request that the City Council consider electing a Mayor Pro Tem.

Motion by Mayor Pro Tem Whatley to appoint Councilmember Heines as Mayor Pro Tem; 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 45-years of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
5/17/1993	A G Tony	Mims	Plant Operator III	Wastewater Treatment	20
5/11/1988	Pauline	Eng	Resource Librarian	Library	25

A-2 BLUEPRINT AWARD

Request that the City Council consider recognizing two City employees as Blueprint Blue Ribbon Award winners.

City Council presented Chief, Diana Jackson & Airport Manager, Davis Dickson with plaques as Blueprint Blue Ribbon Award winners for their work with the United Way, and for placing the highest premium on responsiveness to citizens' needs.

ZONING

Z-1 F05-13-054 ROBERT E. LEE HEIGHTS, FIRST AMENDMENT

Request that the City Council consider approving a plat for a two lot subdivision containing approximately 0.52 acres of land located south of the southeast intersection of Robert E. Lee Drive and Karen Drive

Councilmember Whatley – Asked are we obligated under state law to approve this plat?

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Gary Landers, City Attorney - The State Law provides specific directions for the staff if the plat is handled at the staff level. This has gone to the Planning & Zoning and now being presented to City Council on appeal. The Council while bound by State Law also has the authority in your position to consider whether or not you agree with the recommendation that your staff is giving you.

Motion by Councilmember Nix to deny request; seconded by Mayor Pro Tem Heines motion carried 6 - 1 & denied as presented.

Z-2 F05-13-058 JESS MOWERY SUBDIVISION, FINAL PLAT

Request that the City Council consider approving a plat for a two lot subdivision containing approximately 3.18 acres of land located at the north of the northern intersection of County Road 2191, and a waiver of \$120,856 in escrow for street improvements.

Motion by Councilmember Whatley with a waiver on the escrow; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented

Z-3 C05-13-002 BROADWAY LODGING, LTD. (MELINDA LANE)

Request that the City Council consider closing an unimproved portion of Melinda Lane between Chandler Street and Chandler Highway. (O-2013-36)

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

Z-4 C05-13-003 WILBERT LEE HESTER (BAILEY DRIVE)

Request that the City Council consider closing an unimproved portion of Bailey Drive between Baxter Avenue and East Front Street. (O-2013-37)

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

Z-5 Z05-13-030 REED PROPERTY MANAGEMENT, LLC (2017 DEVINE STREET)

Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2013-38)

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

Z-6 APPLICATION Z05-13-027 STEVEN C. ROOSTH, TRUSTEE (217 EAST LINE STREET AND 404 NORTH FANNIN AVENUE)

Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "DBAC", Downtown Business, Arts and Culture District. (O-2013-39)

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

Z-7 Z05-13-029 TYLER JUNIOR COLLEGE (1106, 1110, AND 1200 EAST FIFTH STREET, 1424 AND 1430 SOUTH FLEISHEL AVENUE, AND 121 EAST SECOND STREET)

Request that the City Council consider approving a zone change from “R-1B”, Single-Family Residential District, “C-1”, Light Commercial District, and “PCD”, Planned Commercial Development District to “INT”, Institutional District. (O-2013-40)

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

Z-8 P05-13-004 ROWLANDS FIRST ADDITION, PRELIMINARY PLAT

Request that the City Council consider approving the preliminary plat for three lot subdivision containing approximately 1.03 acres of land located at the northwest intersection of North Spring Avenue and East Franklin Street, and a waiver of \$36,008 in escrow for street improvements.

Motion by Councilmember Moore to approve with lower amount recommended from Planning & Zoning; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

PUBLIC HEARINGS

H-1 A03-13-001 ROYAL TYLER, LLC. (11261 COUNTY ROAD 272)

Request that the City Council conduct the first of two public hearings and consider public input on the proposed voluntary annexation of property located at 11261 County Road 272.

Heather Nick, City Planner – Stated that the City is required to have two public hearings and this is the 1st of 2 public hearings. A special called city council meeting will be held June 5th and the City Council will take action on June 26, 2013.

ORDINANCE

O-1 ZA05-13-006 TYLER UNIFIED DEVELOPMENT CODE

Request that the City Council consider approving an ordinance amending the Tyler Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to use regulations, subdivision design and improvements, streets and thoroughfares, development standards, signs, development approval procedures, permits and fees, administration and enforcement, and definitions. (O-2013-41)

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

- O-2 Request that the City Council consider adopting an Ordinance amending the Tyler Unified Development Code in Tyler City Code Chapter 10 by designating the City Planning and Zoning Commission as the Airport Zoning Commission for purposes of State law, designating the City Zoning Board of Adjustment as the Airport Board of Adjustment for purposes of State law, and amending Tyler City Code Chapter 12 by designating the Airport Manager as the Administrative Agency responsible for administration and enforcement of airport zoning regulations, adding references to the Airport Advisory Board, Airport Zoning Commission and Airport Board of Adjustment for airport zoning purposes, and deleting the provisions related to the inactive Joint Airport Zoning Board. (O-2013-42)**

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

- O-3 Request that the City Council approve and adopt a Rate Schedule "RRM-Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division, to be in force in the City for a period of time as specified in the rate schedule. (O-2013-43)**

Motion by Councilmember Moore; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to enter into a memorandum of understanding with the Northeast Texas Public Health District (NET Health) for the operation of the Center for Healthy Living to be located at 2815 Frankston Hwy (Old Fire Station #5). ©**

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

- M-2 Request that the City Council consider rejecting all proposals submitted for the Baxter / Douglas Sewer Replacement project, Bid No. 12-020, and authorize Tyler Water Utilities to advertise the project again at a later date.**

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

- M-3 Request that the City Council consider authorizing City staff to advertise for bids for the construction of the 2013 Asphalt Pavement Enhancement Program.**

Motion by Councilmember Moore; seconded by Councilmember 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 authorizing the City Manager to renew a wrecker contract with local tow truck companies for non-consent tows, with a rate increase, and allowing for the charge of an Impound Fee. ©
- C-A-2** Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$27,544, to S & S Roofing, Inc. for the replacement of the roof on the Southside Wastewater Treatment Plant. ©
- C-A-3** Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$43,472, to S & S Roofing, Inc. for the replacement of the roof on the Westside Wastewater Treatment Plant. ©
- C-A-4** Request that the City Council consider ratifying staff action of \$53,621 for the emergency repairs of Well No. 7, to Layne Christensen Company, located in Tyler, Texas. ©
- C-A-5** Request that the City Council consider approving a Reconciliation Change Order and release of retainage, in the amount of \$18,932.90, to Duplichain Contractors, LLP. for the Cedar to Cochran Drainage Improvements project. ©
- C-A-6** Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous items as surplus and authorize for auction.
- C-A-7** Request that the City Council consider authorizing the City Manager to purchase one refuse truck comprising of one Freightliner CNG truck chassis and one Heil multi-pack body. ©

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

BOARD APPOINTMENTS

- B-1** Nomination and appointment of Half Cent Board Members for Districts 3 and 6.

Motion by Councilmember Whatley to appoint Ralph Caraway for District 3 and Jason Trimble for District 6; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

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CITY MANAGER'S REPORT

CMR-1 Ratification of appointment of new department heads for Internal Audit and Vehicle/Equipment Services.

Motion by Councilmember Mezayek to ratify appoint of Jon Grundy as Internal Auditor and Leroy Sparrow as Vehicle/Equipment Services Department Leader; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:17 am

1. 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.

2. Under Texas Government Code Section 551.071 "Litigation" deliberation regarding the following:

Possible contemplated litigation involving Guinn Farms subdivision street conditions

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 subject listed above

Any final action to be taken by the City Council will be taken in open session. City Council reconvened from executive session at 10:59 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn at 10:59; seconded by Councilmember Mezayek; motion carried 7 - 0 & meeting adjourned.

ATTEST:


CASSANDRA BRAGER, CITY CLERK

