

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 28, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 28, 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
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
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
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Whatley.

MINUTES

Motion by Mayor Pro Tem Mezayek to approve the September 14, 2011 minutes; seconded by Councilmember Wright; motion carried 6 - 0 & approved as presented.

ZONING

Z-1 APPLICATION C10-11-006 CITY OF TYLER (ALLEYS IN NCB 3)

Request that the Planning and Zoning Commission consider recommending closing three paved alleys on the block bound by Elm Street, Spring Avenue, Erwin Street, and Fannin Avenue. The two alleys off of Spring Avenue are adjacent to Lots 6, 7, 8B and 18A of NCB 3. The alley off of Fannin Avenue is adjacent to Lots 8A and 21 of NCB 3. The applicant is requesting the closure in order to permit the expansion of the Smith County Jail. (O-2011-75)

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

Z-2 APPLICATION S10-11-014 CITY OF TYLER (218 E. ELM STREET)

Request that the Planning and Zoning Commission consider recommending a special use permit for a correctional/detention facility on Lots 6, 7, 8A, 8B, 14A, 14B, 14C, 15, 18A, 19B, 19C, 20 & 21 of NCB 3, containing approximately 2.17 acres of land located at the northwest intersection of South Fannin Avenue and East Elm Street (218 E. Elm St.). The applicant is requesting the SUP to allow for an addition to the Smith County Jail. (O-2011-76)

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

Z-3 APPLICATION N09-11-001 CITY OF TYLER (COUNTY ROAD 1145 TO OLD PLEASANT RETREAT ROAD)

Request that the Planning and Zoning Commission consider recommending a thoroughfare name change from County Road 1145 to Old Pleasant Retreat Road on a section of road beginning at the intersection of C R 1145 and Negem Road and continuing east to the intersection of C R 1145 and Parker Road. The requested thoroughfare name change is due to the recent airport annexation. (O-2011-77)

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

Z-4 APPLICATION Z09-11-051 HAZARI & SONS, LLC (2915 CHARLOTTE DRIVE)

Request that the Planning and Zoning Commission consider recommending a zone change from "C-2", General Commercial District to "M-1", Light Industrial District on Lot 23 of Block 1238, one lot containing approximately 0.62 acres of land located south of the southwest intersection of Loop 323 WNW and Charlotte Drive (2915 Charlotte Drive). The applicant is requesting the zone change to allow install and operate a coffee roaster at an existing coffee packaging plant.. (O-2011-78)

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



Z-5 APPLICATION Z09-11-052 DENNIS H. WALKER (410 FLEISHEL AVENUE)

Request that the Planning and Zoning Commission consider recommending a zone change from "R-2", Two-Family Residential District to "R-1B", Single-Family Residential District on Lot 10 of Block 124, one lot containing approximately 0.15 acres of land located north of the northwest intersection of North Fleishel Avenue and East Line Street (410 Fleishel Avenue). The applicant is requesting the zone change to allow for the construction of a new single-family dwelling. (O-2011-79)

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

Z-6 APPLICATION Z09-11-055 BRIAN MOBLEY (OLD HENDERSON HIGHWAY)

Request that the Planning and Zoning Commission consider recommending a zone change from "R-1B", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District on a 2.72 acre portion of Lot 41 of NCB 1548H, one lot containing approximately 7.26 acres of land located east of the intersection of Haverhill Drive and Old Henderson Highway. The applicant is requesting the zone change to allow for single-family attached housing. (O-2011-80)

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

Z-7 APPLICATION F09-11-087 JOHN F. WALKER ADDITION, FINAL PLAT

A two lot subdivision containing approximately 5.66 acres of land located at the northeast intersection of Cumberland Road and Wilder Way Road. The purpose of the plat is to create two platted lots from three existing tax lots. The property is currently zoned "AG", Agricultural District.

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

RESOLUTION

R-1 Request that the City Council adopt a Resolution supporting the approval by the Federal Government of the Presidential Permit required for construction of the TransCanada Keystone XL Pipeline. (R-2011-28)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to purchase programmable logical controllers (PLC) system upgrades for water treatment plants in the amount of \$151,134. ©

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

- M-2 Request that the City Council consider authorizing the City Manager to award an engineering services contract in the amount of \$37,000 to The Brannon Corporation for drainage improvements along Leisure Lane. ©**

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 authorizing the City Manager to purchase 89 Coban digital video computer systems for Police, Fire and Fire Marshall vehicles/apparatus, for a base amount of \$1,020,168.40, and also authorize him to execute a three-year lease purchase agreement with the Government Capital Corporation and interim financing of this purchase until January 3, 2012. ©**

Motion by Councilmember Sanders; 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 authorizing the City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of water meters, transceiver units and register units during fiscal year 2011-2012.**
- C-A-2 Request that the City Council consider authorizing the City Manager to extend the annual price agreements for uniform / floor mat rental for one year beginning October 1, 2011, to Aramark Uniform Services.**
- C-A-3 Request that the City Council consider awarding bids for the purchase of various chemicals for one year beginning October 1, 2011.**
- C-A-4 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for pipe, fittings, meter boxes and lids, copy paper, office furniture and office supplies for one year beginning October 1, 2011.**
- C-A-5 Request that the City Council consider awarding Bid No. 11-039 to Charlie Rand for a new agricultural lease at Tyler Pounds Regional Airport.**
- C-A-6 Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Ms. Stasha Gominak for the placement of a wrought iron fence on an existing stone wall in the City of Tyler right-of-way. ©**

- C-A-7** Request that the City Council consider approving the Excess Workers Compensation Insurance and claims handling contracts for the City of Tyler for fiscal year 2011-2012 as the second of a two-year renewal option authorized in 2010. ©©
- C-A-8** Request that the City Council consider approving the Property and Casualty Insurance and claims handling contracts for the City of Tyler for fiscal year 2011-2012 as the second of two 1-year renewal options authorized in 2009. ©©
- C-A-9** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain tract of land located at 2319 Pine Burr and 2708 Flint Street within the City of Tyler city limits and owned by taxing entities including the City of Tyler, Trustee. (R-2011-29)
- C-A-10** Request that the City Council consider authorizing the City Manager to issue Final Acceptance and execute the Reconciliation Change Order reducing the total original contract amount of \$1,458,845.48 by \$133,850.57 for the 2010 Pleasant Retreat Road Relocation Project at Tyler Pounds Regional Airport. ©

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

CITY MANAGER'S REPORT

1. Move one of the Nov mtgs. & cancel one Dec mtg.
2. End & start of FY will result in some clean up items coming.
3. Fit City Initiative this Sat (10-1) at 8 am for Mayors Walk and new Mayor Walk Initiative will be announced.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:30 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:

1. Possible or contemplated litigation relating to the resolution of extraterritorial jurisdiction boundaries with the City of Whitehouse
2. Pending litigation relating to condemnation against Erwin and Raibon.

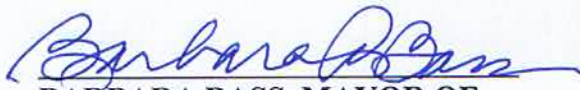
Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

September 28, 2011

City Council reconvened from Executive Session at 9:52 am with no action taken from executive session.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 9:52 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

