

**MINUTES OF THE  
SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
July 25, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 25, 2012 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

<b>Mayor:</b>	Barbara Bass
<b>Mayor Pro Tem:</b>	Mark Whatley
<b>Councilmembers:</b>	Martin Heines Darryl Bowdre Sam Mezayek Ralph Caraway Jason Wright
<b>City Manager:</b>	Mark McDaniel
<b>City Attorney:</b>	Gary C. Landers
<b>Deputy City Attorney:</b>	Steve Kean
<b>Managing Director for Administration:</b>	ReNissa Wade
<b>Development Services Engineer:</b>	Michael Wilson
<b>Neighborhood Services Manager:</b>	Brenda Johnson
<b>City Engineer:</b>	Carter Delleney
<b>City Fire Chief:</b>	Tim Johnson
<b>Managing Director for Public Safety &amp; Police Chief:</b>	Gary Swindle
<b>Managing Director of External Relations &amp; Communications Director:</b>	Susan Guthrie
<b>Director of Parks and Recreation:</b>	Stephanie Rollings
<b>MPO Executive Director/Transit Director:</b>	Barbara Holly
<b>Director of Solid Waste:</b>	Dan Brotton
<b>Director of Vehicle Services:</b>	Russ Jackson
<b>Housing Service Manager:</b>	Andy Davis
<b>City Planner:</b>	Heather Nick
<b>Managing Director for Utilities/Public Works and Utilities:</b>	Greg Morgan
<b>City Clerk:</b>	Cassandra Brager

## **INVOCATION**

The Invocation was given by Councilmember Caraway.

## **MINUTES**

Motion by Councilmember Caraway to approve the July 11, 2012 minutes; seconded by Mayor Pro Tem Whatley; motion carried 7 - 0 & approved as presented

Mayor Bass recognized Chipper Adams as Mayor for the Day.

## **EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

### **A-1 Service Awards**

We would like to recognize the following employee 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 50-years of service with the City of Tyler.

#### **Service Awards**

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
7/16/1987	P. Richard	Drew	Police Sergeant IV	Police	25
7/16/1987	Aureliano	Viramontes	Laborer	Solid Waste	25

## **ZONING**

### **Z-1 APPLICATION Z07-12-041 McMILLIN HOLDINGS, LLC (2389 BALSAM GAP)**

Request that the City Council consider approving a zone change from “AG”, Agricultural District to “C-1”, Light Commercial District.

Mark Priestner, Planning Concepts – Stated that this property was a rural residential area 10 years ago.

**Rev. Jeff Gage, 10845 Cactus Tr., Lanes Chapel United Methodist Church** – Stated that his concerns stem from the fact how this property is used as far as zoning. There are activities that happen at Lanes Chapel United Methodist Church almost every day and if we get into the situation where parking is used for a business then it can be a situation where we are bleeding over and the issue becomes space.

**Jim Lambeth** – Stated that when the church moved out in that area it was in the country and they are not in the country any longer. They understand growth is occurring in their area and that will happen. The lot next to the sanctuary is very small and the intimacy of that space is a large concern that they have and also the use of the space. Mr. Lambeth stated that they have approached the developer to let them know their use of the space but have not heard back from them. Mr. Lambeth asked if an RPO or some kind of a plan zoning can occur on the land so that both parties can work with each other because of the intimacy of that space. At this time Mr. Lambeth stated that they are asking that the application be denied and allow time for the developers and landowners to come together and come up with an alternative that everyone could walk away with and be agreeable to.

**Councilmember Caraway** – Stated that his concern that the two parties have not come together and come to an agreement.

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Motion by Councilmember Mezayek; seconded by Councilmember Wright; motion failed 3 - 4. (Voted for: Mezayek, Wright and Whatley) (Voted against: Bowdre, Caraway, Heines and Bass)

Councilmember Wright exit

**Z-2 APPLICATION Z07-12-042 S & T DEVELOPMENT LTD (2376 DUELING OAKS & 7578 OLD JACKSONVILLE HIGHWAY)**

Request that the City Council consider approving a zone change from "C-1", Light Commercial District and "PMF", Planned Multi-Family District to "PMXD-1", Planned Mixed Use District-1 with development restrictions. (O-2012-58)

Motion by Councilmember Mezayek; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented

Councilmember Wright entered

**Z-3 APPLICATION Z07-12-043 McMILLIN HOLDINGS, LLC (3510 CHANDLER HIGHWAY) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2012-59)**

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

**Z-4 APPLICATION F07-12-082 4 L'S AND B ADDITION, FINAL PLAT**

Request that the City Council consider approving the final plat for a four lot subdivision containing approximately 12.53 acres of land located east of the northeast intersection of County Road 431 and County Road 461, and a waiver of \$42,122 in escrow for street improvements to County Road 461.

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

**RESOLUTION**

**R-1 Request that the City Council consider adopting a Resolution calling a Special Election for November 6, 2012, to have a Special election for beer & wine off premises and to extend the legal sale of mixed beverages in restaurants to current city limits. (R-2012-19)**

**Gary Landers, City Attorney** – Stated that this is the item that carries out the Texas Law that provides for local options liquor sales elections in Texas. The number of signatures required to call a special election in the City is based upon 35% of the registered voters in Tyler that voted in the last Governor's Office. As a result of this process the City staff is telling you that the two petitions each had enough signatures on them. They had over the 7,895 signers that are

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required to call the election. Under State Law we are certifying these results to you and City Council is required to take those results and call the election by adopting this resolution.

**Bob Westbrook, 4116 Pinecreek Dr.** – Chair of the Buy Local First Committee – Stated that they were pleased to submit 15,000 signatures to the City Clerk of which after she did her due diligence approximately 9,000 were verified. Now the Committee is asking that you vote and accept that petition and call for that election in November so that the citizens of Tyler can have the opportunity for choice.

**Norman Ladd, Attorney for Stand Strong for Tyler -235 S. Broadway**, - Stated that their request today is just to table this until the August 8, 2012 City Council meeting so that they can have more time to verify the signatures.

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

**R-2 Request that the City Council consider approving a Resolution suspending the August 6, 2012, effective date of Centerpoint Energy Entex and Centerpoint Energy Texas Gas Beaumont/East Texas Division requested rate change to permit the City time to study the request and to establish reasonable rates. (R-2012-20)**

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

## **PUBLIC HEARINGS**

**H-1 Request that the City Council consider conducting a public hearing and provide direction on the Community Development Block Grant (CDBG) and HOME Programs FY 2012-2013 Annual Plan.**

**Brenda Johnson, Neighborhood Services Manager** – Gave a brief update on the Community Development Block Grant (CDBG) and HOME Programs FY 2012-2013 Annual Plan

## **MISCELLANEOUS**

**M-1 Request that the City Council consider adopting the One-Half Cent Sales Tax Corporation 2012-2013 Annual Work Program for capital improvement projects.**

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

**M-2 Request that the City Council consider adopting the One-Half Cent Sales Tax Corporation 2012-2013 Corporate Budget in conjunction with the 2012-2013 Annual Work Program.**

Motion by Councilmember Caraway; 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 purchase the VoiceCourt Interactive Voice Response System from Selectron at a total cost of \$59,400.

**C-A-2** Request that the City Council consider approving final payment and releasing retainage in the amount of \$21,354 for the Fire Station 5 project.

**C-A-3** Request that the City Council consider authorizing the City Manager to renew the agreement with the United States Department of Justice, Drug Enforcement Administration to provide the Tyler Police Department's continued participation in the East Texas Drug Task Force. ©

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

## **CITY MANAGER'S REPORT**

1. Budget presentation next meeting on 8-8-2012 with plan to adopt 1<sup>st</sup> meeting in September.

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 10:13 am.

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

**Executive session Item No. 1;**

- under section 551.071 "Litigation" deliberation regarding the following:
  - a. Possible or contemplated litigation involving dual certification for Tyler from the TCEQ involving TTUC (Algonquin);
  - b. Possible or contemplated litigation and settlement offer involving alleged environmental related violations.

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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**Executive Session Item No. 2;**

- under Section 551.072 "Real Estate", deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities

**Executive Session Item No. 3;**

- 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 11:12 am with no action taken.

**ADJOURNMENT**

Motion by Councilmember Caraway to adjourn the meeting at 11:13 am; seconded by Councilmember Mezayek; motion carried 7 - 0 & meeting adjourned.

*Barbara Bass*  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

**A T T E S T:**

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK  
