

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
February 13, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 13, 2013 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

City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Gary C. Landers
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Managing Director for Administration:	ReNissa Wade
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
Director of Solid Waste:	Dan Brotton
Solid Waste/Vehicle Services Manager:	Russ Jackson
Manager for Organizational Development:	Kristi Boyett
City Planner:	Heather Nick
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 January 23, 2013 minutes; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

February 13, 2013

## EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

### **A-1 New Hires Recognitions**

The following employee(s) were hired by the City of Tyler during the month of December 2012 and January 2013. We would like to take this opportunity to welcome these new employee(s).

#### New Employees

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Cheri	Stanley	Chief Electrical Inspector	Development Services
Nicholas	Martin	Advanced IT Specialist II	Information Technology
Susan	Price	Administrative Assistant	Information Technology
Linda	Gray	Youth Services Librarian	Library
Jacque	Hilburn-Simmons	Recreation Specialist PT	Parks & Recreation
Kris	Davis	Police Recruit	Police
Theresa	Scoggins	PS Telecommunicator II	Police
Michael	Graves	Commercial Equipment Operator	Solid Waste
Luis	Torres	Equipment Operator II	Stormwater
Brent	Bollen	Equipment Operator II	Streets
James	Oliver	Transportation Operations Coordinator	Transit
Jeff	Allen	Semi-Skilled Laborer	Wastewater Collection
Marcus	Beamon	Laborer	Wastewater Collection
Rolando	Gaona	Laborer	Wastewater Collection
Michael	Burden	Laborer	Water Distribution
Marcus	Smith	Laborer	Water Distribution

Motion by Mayor Pro Tem Whatley to un-table item Z-1; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented

## ZONING

### **Z-1 Z12-12-010 COPELAND GATE, LLC (1321 AND 1401 WEST SOUTHWEST LOOP 323)**

**Request that the City Council consider approving a zone change from “PCD”, Planned Commercial Development District to “RPO”, Restricted Professional Office District. (O-2013- 10)**

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

## PRESENTATIONS

**P-1 Request that the City Council consider receiving a presentation from United Way of Smith County and recognize the City of Tyler employees that contributed to a record year of contributions.**

## RESOLUTION

**R-1 Request that the City Council consider adopting a Resolution calling a Special Election to be held with the regular Election on May 11, 2013, to fill the office of Tyler City Council Member for Single Member District No. 6 on the Tyler City Council and calling for a joint election with Smith County, Tyler Independent School District and Whitehouse Independent School District.**

**(R-2013-2)**

Motion by Councilmember Heines; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

**R-2 Request that the City Council consider adopting a Resolution calling an Election for May 11, 2013, to fill the offices of Tyler City Council Members for Single Member District Nos. 1, 3, and 5 on the Tyler City Council and calling for a joint election with Smith County, Tyler Independent School District and Whitehouse Independent School District. (R-2013-3)**

Motion by Councilmember Heines; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

**R-3 Request that the City Council consider adopting a Resolution supporting Saige Meadows, LLC application to the Texas Department of Housing and Community Affairs for the development of Saige Meadows, an affordable rental housing development. (R-2013-4)**  
Mayor Pro Tem Whatley abstained from voting.

Motion by Councilmember Caraway; seconded by Councilmember Bowdre; motion carried 5 – 0-1 & approved as presented.

## ORDINANCE

**O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 12 to adjust rental car company wash bay rates, adjust Customer Facility Charge rates on rental car contracts, and implement a rental car wash bay land rental rate, at Tyler Pounds Regional Airport. (O-2013-11)**

**Steven Adams, Specialized Public Finance – Gave a brief presentation.**

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Motion by Mayor Pro Tem Whatley; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented.

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to execute a contract with The C.T. Brannon Corporation, to provide engineering services for the Brynmar Court Drainage Improvements Project for a total contract amount not to exceed \$37,500. ©**

Motion by Councilmember Mezayek; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

**M-2 Request that the City Council consider authorizing the City Manager to execute Work Order No. 1 with Johnson and Pace in the amount of \$104,570 for the Loop 323 Utility Relocation project.©**

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

**M-3 Request that the City Council consider authorizing the City Manager to execute an engineering services contract with Freese and Nichols and execute Work Order No. 1 in the amount of \$127,035 for the Fleishel-Oakwood-Locust Sewer Line Replacement project. © Councilmember Heines abstain from voting**

Motion by Councilmember Mezayek; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 -1 & approved as presented.

**M-4 Request that the City Council consider authorizing the City Manager to execute a contract with MHS Planning and Design, LLC, to provide planning services for a Master Plan at the Tyler Municipal Rose Garden for a total contract amount not to exceed \$39,550.**

Motion by Councilmember Heines; seconded by Mayor Pro Tem Whatley; motion carried 6 - 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 a contract, in the amount of \$42,500, to Exum Waterproofing for the cleaning, re-glazing, painting and tuck and point work on the north and east side of the Fair Foundation Building. ©**

**February 13, 2013**

**C-A-2** Request that the City Council consider authorizing the City Manager to execute an Interlocal Election Contract with Smith County to perform certain joint election services for City Council Election to be held May 11, 2013, as part of the joint election with Smith County, Tyler Independent School District, and Whitehouse Independent School District. ©

**C-A-3** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 15 deleting references to the Cox Cable Franchise which has expired, and cleaning up certain sections of that Chapter. (O-2013-12)

**C-A-4** Request that the City Council consider approving the final acceptance and release of retainage in the amount of \$39,692.79 for a final contract amount of \$13,773,083.12 to Longview Bridge & Road, Ltd. for the Earl Campbell Parkway and Old Noonday Road Improvements project.

**C-A-5** Request that the City Council consider approving the reconciliation change order in the amount of \$268,540.50 for a total contract amount of \$2,109,177 and releasing final retainage to Longview Bridge and Road, Ltd. for the 2012 Asphalt Enhancement Program. ©

**C-A-6** Request that the City Council consider authorizing the City Manager to utilize various Purchasing Cooperatives for fleet replacement vehicles, equipment, and various vendors as sole source as parts and service.

**C-A-7** Request that the City Council consider authorizing the City Manager to purchase various vehicles from Buy Board, HGAC Cooperative, and low bid dealers.

**C-A-8** Request that the City Council consider authorizing the City Manager to award multiple vendors for the annual agreement for various categories of vehicle washing service.

**C-A-9** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2012.

**C-A-10** Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending December 31, 2012.

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

## **CITY MANAGER'S REPORT**

1. Update on TxDot projects and City construction projects
2. Dual Certificate bill filed by Sen. Eltife and help from Representative Schaefer.

February 13, 2013

City Council convened into executive session at 9:40 am

**RECESS FOR EXECUTIVE SESSION**

- 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.**

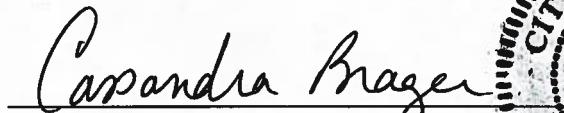
City Council reconvened from executive at 10:31 am with no action taken.

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



BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

