

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 26, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 26, 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:	Martin Heines
Councilmembers:	Mark Whatley
	Darryl Bowdre
	Sam Mezayek (absent)
	Edward Moore
	John Nix
City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Gary C. Landers
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Deborah Pullum
Airport Manager:	Davis Dickson
Managing Director for Administration:	ReNissa Wade
Communications Manager:	Kristi Boyett
Development Services Engineer:	Michael Wilson
Neighborhood Services Manager:	Brenda Johnson
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
Internal Auditor:	Jon Grundy
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 Bowdre.

MINUTES

Motion by Councilmember Whatley to approve the June 12, 2013 minutes; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented.

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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 **25-years** of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
6/23/1988	Emmitt	Hawkins	Laborer	Solid Waste	25

A-2 Request that the City Council consider receiving a presentation about Tyler's Communications Awards from the Texas Association of Municipal Information Officers (TAMIO).

Susan Guthrie, Asst. City Manager – Stated that at the recent Texas Association of Municipal Information Officers annual conference, the City of Tyler was awarded the first place "TAMF" award for its website, www.cityoftyler.org in the technological services category for cities with populations over 100,000

ZONING

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

Request that the City Council consider adopting an ordinance providing for the voluntary annexation of property located at 11261 County Road 272. The proposed annexation area consists of approximately 2.13 acres lying adjacent to the present boundary limits of the City of Tyler north of the northeast intersection of Spur 248 and County Road 272 and adjoining right-of-way for County Road 272. Also consider recommending:

- A. The new boundary of the City Limits.
- B. The new boundary of the Extraterritorial Jurisdiction.
- C. The new boundary of City Council District #4.
- D. Original zoning of 2.13 acres of "R-MF", Multi-Family Residential District. (O-2013-45)

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

Z-2 Z06-13-031 HABITAT FOR HUMANITY (1810 AND 1812 ROBBINS 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-2013-46)

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Motion by Councilmember Moore; seconded by Councilmember Nix; motion carried 6 - 0 & approved as presented

- Z-3 S06-13-015 PROSPERITY BANK (1200 SOUTH BECKHAM AVENUE)**
Request that the City Council consider approving a Special Use Permit to allow for a construction trailer to be used as a temporary banking facility for a one year period of time. (O-2013-47)

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

- Z-4 Z06-13-032 GEORGE MOSTYN (4764 OLD TROUP HIGHWAY)**
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "RPO", Restricted Professional Office District. (O-2013-48)

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

- Z-5 Z06-13-033 TYLER JUNIOR COLLEGE (1025 PALMER AVENUE)**
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "INT", Institutional District. (O-2013-49)

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

- Z-6 F06-13-065 VISTA RIDGE ADDITION, FINAL PLAT**
Request that the City Council consider approving a plat for a 16 lot subdivision containing approximately 8.63 acres of land located south of the southeast intersection of County Road 1139 and County Road 1140, and a waiver of \$356,561 in escrow for street improvements.

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

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance approving the Housing Choice Voucher Program's 2013-2014 Annual Plan. (O-2013-50)**

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

MISCELLANEOUS

- M-1 Request that the City Council receive a presentation from MHS Planning and Design, LLC of Tyler, Texas, on the Gladys and T.B. Stewart Specialty Community Park Master Plan and consider adoption of the Master Plan. ©**

Motion by Councilmember Bowdre; 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 award the construction contract for the 2013 Seal Coat Program to the lowest bidder, Lone Star Equipment Company Incorporated, in the amount of \$277,933.25. ©**

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

- M-3 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2013 Asphalt Enhancement Program to the lowest bidder, Reynolds & Kay Limited, in the amount of \$2,116,493.48. ©**

Motion by Councilmember Whatley; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented

- M-4 Request that the City Council consider authorizing the City Manager to enter into a contract for a sculpture to be placed at the Fair Plaza Garage. ©**

Motion by Councilmember Bowdre; 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 adopting a Resolution agreeing to the sale of certain tracts of land located at 1126 Commerce Street within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2013-16)**

- C-A-2 Request that the City Council consider adopting a Resolution agreeing to provide defense and indemnity to certain City employees who are defendants in a lawsuit brought against them as a result of actions taken as a City employee. (R-2013-17)**

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- C-A-3** Request that the City Council consider adopting an Ordinance amending the FY 2012-2013 Airport Budget to provide funding for an airport advertising campaign. (O-2013- 51)
- C-A-4** Request that the City Council consider authorizing the City Manager to execute an agreement with FlightView, Inc. for a new Flight Information Display System (FIDS) totaling \$44,900 and a FIDS mobile site totaling \$20,150 at Tyler Pounds Regional Airport for a total term of five (5) years.
- C-A-5** Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$49,933, to Metal Buildings by MCM, Inc. for the construction of a 40'X60' records and supplies storage facility in conjunction with the City University Expansion Project.

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

BOARD APPOINTMENTS

- B-1** Request that the City Council consider making an appointment to the Planning and Zoning Commission.

Motion by Councilmember Moore to appoint Lowell Starling; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as amended

CITY MANAGER'S REPORT

- CMR-1** Request that the City Council consider ratification of the appointment of a new City Attorney.

Motion by Councilmember Bowdre to appoint Deborah G. Pullum as the new City Attorney; seconded by Councilmember Moore; motion carried 6 - 0 & approved as presented

1. Judy Fokakis retiring from Legal Department, reception today.
2. PEP Squad award – Quality Texas Award
3. Mayor comments about Art Center Task Force to begin discussion of possible use of portion of Lindsey Bldg.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:56 am

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

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Executive Item No. 1:

Under section 551.071 "Litigation" deliberation regarding the following:

Possible or contemplated litigation involving failure to receive dual certification for Tyler from the TCEQ involving TTUC (Algonquin); 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

Executive Item No. 2:

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

Executive item no. 3:

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.

Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 11:05 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 11:05 am; seconded by Councilmember Bowdre; motion carried 6 - 0 & meeting adjourned.

ATTEST:


CASSANDRA BRAGER, CITY CLERK

