

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
JULY 14, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 14, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass (Absent)  
Mayor Pro Tem: Ralph Caraway  
Councilmembers: Jason Wright  
Martin Heines  
Donald Sanders (Absent)  
Sam Mezayek  
Mark Whatley

City Manager: Mark McDaniel  
Asst. City Manager: Scott Wall  
City Attorney: Gary C. Landers  
Human Resources Director: ReNissa Wade  
Development Services Engineer: Michael Wilson  
Director of Neighborhood Services: Brenda Johnson  
Chief Financial Officer: Daniel Crawford  
City Engineer: Carter Delleney  
City Police Chief: Gary Swindle  
Communications Director: Susan Guthrie  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
Housing Service Manager: Andy Davis  
Director of Utilities & Public Works: Greg Morgan  
Traffic Engineer: Peter Eng  
Deputy City Clerk: Jami Rogers

**INVOCATION**

The Invocation was given by Tyler City Councilmember Mark Whatley.

Motion by Councilmember Mezayek to approve the minutes for the June 23, 2010 meeting; seconded by Councilmember Wright; motion carried 5 - 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 59 years of service with the City of Tyler.**

**Retirees - Service Awards**

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DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
1/30/2006	Kenneth	Horrell	Chief Plumbing/ Mech. Inspector	Water Business Office	4

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
6/26/1980	Woody	Flowers	Laborer	Water Plant	30
4/15/1985	Earl	Brown, Jr.	Wastewater Treatment Superintendent	Water Treatment	25

**A-2 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of June 2010. We would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Laura	Jewell	PST I	Police

**ZONING**

**Z-1 APPLICATION C06-10-008 JOE CASSINI (SWAN STREET)**

Request that the City Council consider closing Swan Street. (O-2010-62)

**Barbara Holly, Director of Planning and Zoning** – Stated that the applicant, Joe Cassini is requesting a closure of Swan Street. It is no longer an accessible route. After the railroad overpass was installed at Broadway, Swan Street dead ends by the area of the bridge so you can no longer access it. This request was submitted as a result of a code violation. Mr. Cassini believing the street had been closed when they did the overpass constructed a wrought iron and masonry wall that is across the right of way currently. If the city is willing to close Swan Street that will eliminate that code violation and will allow him to incorporate this into his business property. The issue is there is a property owner that is to the South and to the West, Mr. Zigteba who will be landlocked by this action. Mr. Cassini has agreed to provide cross access to Mr. Zigteba so he can get back out onto Spring Ave. when this closure is actually affected by a platting action that will incorporate this. Of the 18 notices that were mailed out there were 0 returned in favor or in opposition and your planning commission unanimously recommends this for your favorable consideration.

Motion by Councilmember Heines; seconded by Councilmember Mezayek; motion carried 5 - 0 & approved as presented.

**Z-2 APPLICATION Z04-10-027 MORAN DEVELOPMENT CO.  
(5858 OLD JACKSONVILLE HIGHWAY)**

Request that the City Council consider a zoning change from "RPO", Restricted Professional Office District and "C-1", Light Commercial District to "RMF", Multi-Family Residential District. (O-2010-63)

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**Barbara Holly, Director of Planning and Zoning** – This is a request to change the zoning from a combined zoning of “RPO” Restricted Professional Office District and “C-1” to Multi-Family Residential district in order to construct an apartment complex. To the north is the Azalea Trails Assisted Living facility which is a planned multi-family; to the west along Old Jacksonville is vacant; to the east you have a planned unit residential single family Holly Creek Village; and to the south is Kelly Community Federal Credit Union and RMF Garden Estates of Tyler. Under this classification is a new classification since the Unified Development Code it does allow up to 24 units to the acre although the owner has told us want they intend to do is construct 240 units. Because of the number of units they had to do a traffic study because they will have over 2000 daily trips. They submitted that the majority of the traffic issues would go north rather than south people traveling to their jobs. The only impact will be for light timing. Peter Eng, out Traffic Engineer is already working to correct those issues. The Planning staff and Traffic Engineering staff have reviewed the traffic impact and have found it acceptable. The neighbors particularly at Holly Creek Village were concerned about light noise, drainage and the capacity of the water and sewer systems in that area and the owner is willing to put into their personal deed restrictions how they would deal with the buffering and the different issues that would help the single family that is to the east. It does appear that this is a logical extension in the south Tyler rapidly growing corridor of Old Jacksonville. Of the 22 notices that were mailed out, one was returned in favor and following the Planning commission we had 12 returned in opposition, which was 13.9%. The Tyler Apartment Association spoke at that meeting that was concerned with over saturation of apartments in the market but that is not something that the Zoning really looks at. So your Planning Commission unanimously recommends this for your favorable consideration.

**Councilman Whatley**-Under this type of Zoning does it have to be built like the site plan has been submitted?

**Ed Snodgrass - 2026-B Republic Drive** – No it’s not planned Multi-Family

**Councilman Mezayek**-What are your plans for the buffer between the adjacent residential neighborhood to the east?

**Ed Snodgrass -2026-B Republic Drive**-There is a lot larger buffer area than what is required under the zoning. I believe it is 50 feet at a minimum. At the mid part of the eastern line to 2/3’s point to the northern line down is all undeveloped. There is an oil well that is out there and a gas line on the subject tract which does not allow for development to occur. It may be graded and improved but it is not going to be developed. The gas line goes off to the north and west so the buffer even becomes larger. There is no reason to direct lighting back to the east. Those are the back side of parking garages.

**Brian Burks - 1406 Rice Road, Ste 300**-We met with some of the members of Holly Creek Village and their board. They had three primary concerns. One was lighting, one was 3 story units that were back up to them and one was some type of buffer. We are trying to accommodate them. There are only three residences that even touch this property line.

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

## **ORDINANCE**

- O-1 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by extending the boundaries of an existing school speed zone for Andy Woods Elementary along a portion of Fry Avenue. (O-2010-64)**

**Peter Eng – Traffic Engineer** – TISD has recently completed the new Andy Wood Elementary school. The new building is built adjacent to the original structure. Now it fronts on Frye Avenue. Anticipating a modified traffic pattern TISD has requested the city extend the current school speed zone. The Traffic Safety Board and staff unanimously recommend your favorable consideration to adopt to extension a portion of Frye ave and approaches from intersecting streets which is Clyde Drive, Hudnall Drive and Pollard Drive.

Motion by Councilmember Mezayek; seconded by Councilmember Wright; motion carried 5 - 0 & approved as presented.

- O-2 Request that the City Council consider adopting an Ordinance approving the Housing Choice Voucher Program's 2010-2015 Five Year Plan and 2010-2011 Annual Plan. (O-2010-65)**

**Brenda Johnson – Director of Neighborhood Services** - In order to be in compliance with our local policies, all Federal, State, and Fair Housing regulations HUD requires all public housing agencies to submit a 5 year plan and an annual plan. Do to the vast amount of time and research that goes into compiling the 5 year plan the city contracted with J-Quad Consulting Group to pull the plan together.

**Roma Lewis, J-Quad Planning, 1036 Chelsey Drive, Mesquite, Texas** – Presented overview of program.

### 5-Year and Annual Plan

1. HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.
2. HUD Strategic Goal: Improve Community Quality of Life and Economic Vitality
3. HUD Strategic Goal: Ensure Equal Opportunity in housing for all Americans

PHA five year plan FY 2010 thru FY 2015 Goal:

Expand the supply of assisted housing by accomplishing the following objectives:

Applying for additional rental vouchers

Leverage private or other public funds to create additional housing opportunities.

Acquire or build units or developments.

Improve the quality of assisted housing by accomplishing the following objectives:

Improve voucher management (SEMAP) score

Increase customer/client satisfaction

Concentrate on efforts to improve specific management functions of the PHA

Provide replacement vouchers.

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

### **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to apply for and accept fourth year funding for a Comprehensive Traffic Grant in the amount of \$101,427.52 from the Texas Department of Transportation (TXDOT). ©**

Motion by Councilmember Heines; seconded by Councilmember Mezayek; motion carried 5 - 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 within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2010-17)**

**C-A-2 Request that the City Council consider awarding Bid No. 10-028 to Metal Buildings by McM to erect one metal building to be used as a garbage container/truck wash facility at 3001 Duncan Street. ©**

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

### **BOARD APPOINTMENTS**

**B-1 Request that the City Council consider approving a nomination to the Tyler One-Half Cent Sales Tax (Half Cent) Corporation Board from District No. 6.**

Motion by Councilmember Wright to elect Rick Eisenbach; seconded by Councilmember Heines; motion carried 5 - 0 & approved as presented.


### **CITY MANAGER'S REPORT**

1. Next city council meeting on 7-28-10 very busy
2. Monthly CIP report handed out, ½ cent Prioritization report coming, TxDOT projects and summary of all city plans underway

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**ADJOURNMENT**

Motion by Councilmember Mezayek to adjourn the meeting at 9:50 am; seconded by Councilmember Heines motion carried 5 - 0 & meeting adjourned.

  
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BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK

