

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
February 27, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 27, 2013 at 9:00 a.m. at Liberty 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  
Main Street Director: Beverly Abell  
Managing Director for Administration: ReNissa Wade  
Development Services Engineer: Michael Wilson  
Chief Financial Officer: Keidric Trimble  
City Engineer: Carter Delleney  
City Fire Chief: Tim Johnson  
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  
Manager for Organizational Development: Kristi Boyett  
City Planner: Heather Nick  
Managing Director for Utilities/Public  
Works and Utilities: Greg Morgan  
Traffic Engineer: Peter Eng  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

Mayor for the day – Anna Capp

**MINUTES**

Motion by Councilmember Caraway to approve the February 13, 2013 minutes; seconded by Councilmember Bowdre; motion carried 6 - 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 **90-years** of service with the City of Tyler.

**Service Awards**

<b>DATE OF HIRE:</b>	<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>	<b>YEARS OF SERVICE:</b>
1/14/1988	Bart	Lemons	Police Officer X	Police	25
1/18/1993	Robert	Plymail	Police Lieutenant I	Police	20
1/14/1988	Gregg	Roberts	Police Officer X	Police	25
1/18/1993	John	Weaver	Police Officer X	Police	20

**ZONING**

**Z-1 Z02-13-016 CARTER BLOODCARE (735 BAXTER AVENUE)**

Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District to “PCD”, Planned Commercial Development District with final site plan. (O-2013-13)

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

**Z-2 Z02-13-007 S&T DEVELOPMENT (7270 OLD JACKSONVILLE HIGHWAY)**

Request that the City Council consider approving a zone change from “C-1”, Light Commercial District to “PMXD-1”, Planned Mixed Use District with written narrative detailing the development parameters. (O-2013-14)

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

**Z-3 F02-13-035 J. VIKEN ADDITION, FIRST AMENDMENT**

Request that the City Council consider approving the final plat for a two lot subdivision containing 2.73 acres of land located north of the northwest intersection of Highway 64 East and County Road 214, and a waiver of \$7,230 in escrow for street improvements.

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

February 27, 2013

- Z-4 S02-13-007 SUPER MERCADO MONTERREY (510 SOUTH SOUTHWEST LOOP 323)**  
Request that the City Council consider approving a special use permit to grant a variance to eliminate the required 300 feet distance separation from a public school for beer and wine sales.

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Heines motion carried 6 - 0 to table the item until City Council can do a review of existing ordinance.

- Z-5 S02-13-008 SAM'S CLUB (2025 SOUTH SOUTHWEST LOOP 323)**  
Request that the City Council consider approving a special use permit to grant a variance to eliminate the required 300 feet distance separation from a private school for beer and wine sales.

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Heines motion carried 6 - 0 to table the item until City Council can do a review of existing ordinance.

- Z-6 S02-13-009 CEFCO (6424 SOUTH BROADWAY AVENUE)**  
Request that the City Council consider recommending a special use permit to reduce the required 300 feet distance separation from the front door of the building with beer and wine sales to the front door of a church to 150 feet.

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Heines motion carried 6 - 0 to table the item until City Council can do a review of existing ordinance.

- Z-7 ZA02-13-005 CITY LIMITS - 20 YEAR BOUNDARY**  
Request that the City Council consider adopting an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 1992 is part of the City. (O-2013-15)

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

- Z-8 ZA02-13-004 UDC AMENDMENTS – SIX MONTH REVIEW**  
Request that the City Council consider adopting an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to zoning districts, use regulations, streets and thoroughfares, fencing requirements, off-street parking and loading, development standards, development approval procedures, administration and enforcement, billboard and signage regulations, fees and definitions. (O-2013-16)

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

**PRESENTATIONS**

**P-1 Request that the City Council consider receiving a presentation to solicit bids for a capital lease for public safety equipment. This capital lease will include the payoff of existing dispatch equipment in the amount off \$1,432,188.24 and purchase of five position MCC7500 dispatch consoles and recording scanners in the amount of \$437,658 from Motorola Solutions for the City of Tyler 911 Communication Center and three fire apparatus in the amount of \$2,583,414 for Fire Stations 1, 2, and 4. ©**

**MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager or the Chief Financial Officer to approve the issuance of \$1,180,000 in Airport Customer Facility Charge 2013 series revenue bonds and approve an Ordinance to appropriate the necessary funds for construction administration services for the rental car wash bay facility at Tyler Pounds Regional Airport. (O-2013-17)**

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 Rental Car Wash Bay Facility construction project to Watson Commercial Construction, LTD. in an amount not to exceed \$1,148,795.67. ©**

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

**M-3 Request that the City Council consider authorizing the City Manager to enter into an agreement with Tyler Junior College whereby Tyler Junior College agrees to provide \$50,000 towards the installation of a signal on Fifth Street at Baxter Avenue and a signal upgrade on Fifth Street at Clayton Avenue; and that the City Manager direct the Traffic Engineer to perform the installation and upgrade no later than August, 2013. ©**

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

**M-4 Request that the City Council consider authorizing the execution of a Wholesale Water Delivery Contract with Community Water Company, of Corsicana, Texas. ©**

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

February 27, 2013

- M-5** Request that the City Council authorize the conveyance of City-owned real property located at 1408 W. Paul Street and award the bid for the reconstruction of one (1) single family dwelling. ©

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 authorizing the City Manager to execute a contract with The C.T. Brannon Corporation, to provide Construction Representative Services for the Guinn Farms Pavement Rehabilitation Project for a total contract amount not to exceed \$56,650. ©
- C-A-2** Request that the City Council consider approving the reconciliation change order in the amount of \$315.85 for a total contract amount of \$210,872.85 and releasing final retainage to Metal Buildings by MCM for the City of Tyler Building. ©
- C-A-3** Request that the City Council consider authorizing the City Manager to execute a contract for animal shelter services. ©
- C-A-4** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain tract of land located at 2008 Foster within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2013-5)

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

## **BOARD APPOINTMENTS**

- B-1** Request that the City Council consider adoption of an Ordinance approving appointments to the Board of Directors of the Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1). Request that the City Council also consider reappointment of a chairperson and three members of the City of Tyler Tax Increment Reinvestment Zone No. 1 Board. (O-2013-18)

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

## **CITY MANAGER'S REPORT**

- CMR- 1** Request that the City Council consider ratification of the appointment of the Communications Manager by the City Manager. (Kristi Boyett)

February 27, 2013

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

1. Dan Brotton retirement celebration tomorrow at the Rose Garden at 3:30 pm.
2. Special Called meeting next Wednesday on March 6<sup>th</sup> to take place of regular first meeting in March that would have been on 3-14-13, and the next meeting will be March 27<sup>th</sup> and should be back in the Council Chambers.

**RECESS FOR EXECUTIVE SESSION**

1. 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.**

**No action taken**

**ADJOURNMENT**

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

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

