

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

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 27, 2013 at 9:00 a.m. in the City Council Chambers, 2<sup>nd</sup> floor of 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  
Main Street Director: Beverly Abell  
Managing Director for Administration: ReNissa Wade  
Communications Manager: Kristi Boyett  
Development Services Engineer: Michael Wilson  
Chief Financial Officer: Keidric Trimble  
Chief Information Officer: Benny Yazdanpanahi  
City Engineer: Carter Delleney  
Managing Director for Public Safety  
& Police Chief: Gary Swindle  
Director of Parks and Recreation: Stephanie Rollings  
Solid Waste/Vehicle Services Manager: Russ Jackson  
Manager for Organizational Development: Serena Butcher  
City Planner: Heather Nick  
Water Quality and Production Manager: Jimmie Johnson  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

**MINUTES**

Motion by Councilmember Bowdre to approve the March 6, 2013 minutes; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

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**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 Service Awards**

The following employee(s) were hired by the City of Tyler during the month of February 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>
Stephen	Martini	Airport Technician I	Airport
Aulderson	Franklin	Code Enforcement Officer	Code Enforcement
Adam	Riggle	Code Services Officer I	Code Enforcement
Brian	McCawley	Fire Recruit	Fire
Kayne	Parrish	Fire Recruit	Fire
Javier	Marroquin	IT Specialist II	Information Technology
Felix	Prado	Custodian	Parks & Recreation
Joshua	Wasson	Crew Leader	Parks & Recreation
Brandi	Clayton	PS Telecommunicator II	Police
Cameron	Gorbett	PS Telecommunicator II	Police
Jimmy	Beard	Residential Equipment Operator	Solid Waste
Terry	LaRue	Residential Equipment Operator	Solid Waste
Alise	Tate	Account Specialist	Solid Waste
Howard	Quinsey	Laborer	Water Plant
Kirk	Sipes	Plant Operator I	Water Plant

**PRESENTATIONS**

**P-1 Request that the City Council consider hearing a presentation regarding Tyler’s recertification as a Certified Azalea City.**

**Susan Guthrie, Asst. City Manager and JoAnn Smith – Gave a brief presentation regarding Tyler’s recertification as a Certified Azalea City.**

**P-2 Request that the City Council consider hearing a presentation and approval of the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2012, as presented by Henry & Peters, P.C.**

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

**ZONING**

- Z-1 APPLICATION S03-13-010 GATEWAY TO HOPE (601 VALENTINE STREET)**  
Request that the City Council consider approving a Special Use Permit renewal to allow for the operation of a homeless day resource room for a one year period of time. (O-2013-19)

**Speakers that spoke on Z-1**

Bobby Curtis, Tracy Crawford, James Granberry, Martha McCollum, Bill McCarter, Tracy Phelps, Barbara Gilbreath, Gerardo Avalos, Esperanza Avalos, Maria Mendez, Pat Mallory, Jimmy Criswell, Diana Walla, Sandy Avalos, Ken Young, Rebecca Bond, Judith Guthrie, Manuel Mendez, Don Warren, Heidi Eslicker, Julie Dean, Joel Rando, David Palady, Eleno Licea, and Tammy Barker

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

- Z-2 APPLICATION Z03-13-018 DONNA GOFORTH (805 SOUTH BROADWAY AVENUE)**  
Request that the City Council consider approving a zone change from "R-1C", Single-Family Residential District to "AR", Adaptive Reuse District. (O-2013-20)

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

- Z-3 APPLICATION Z03-13-019 NORTHCHASE DEVELOPMENT (850 WEST NORTHWEST LOOP 323)**  
Request that the City Council consider approving a zone change from "AG", Agricultural District to "C-1", Light Commercial District. (O-2013-21)

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

- Z-4 Z03-13-020 SUPREME BRIGHT TYLER, LLC (350 WEST HERITAGE DRIVE)**  
Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "PMXD-1", Planned Mixed Use District with final site plan. (O-2013-22)

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

- Z-5 Z03-13-021 FIRST CHRISTIAN CHURCH (4202 SOUTH BROADWAY AVE)**  
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2013-23)

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

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- Z-6 APPLICATION C03-13-001 GREEN ACRES BAPTIST CHURCH (SOUTHGATE AVENUE)**  
**Request that the City Council consider closing a portion of Southgate Avenue between Chandler Highway and West Front Street. (O-2013-24 )**

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

- Z-7 F03-13-042 WALNUT HILLS TOWNHOME ADDITION UNIT 1, FIRST AMENDMENT**  
**Request that the City Council consider approving the final plat for a 13 lot subdivision containing 3.88 acres of land located west of the northwest intersection of Pinedale Circle and Walnut Hills Drive (County Road 1215), and a waiver of \$29,601 in escrow for street improvements.**

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

## **RESOLUTION**

- R-1 Request that the City Council consider adopting a Resolution authorizing acceptance of the Texas Historical Commission Certified Local Government Grant Contract number TX-13-021 in the amount of \$5,858 for the purpose of funding a downtown historic resources survey.**  
**(R-2013-7)**

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

## **ORDINANCE**

- O-1 Request that the City Council consider adopting of an Ordinance canceling District One, District Three, and District Five Election scheduled for May 11, 2013, and declaring the unopposed candidate for District One, District Three, and District Five, elected to office.**  
**(O-2013-25)**

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

- O-2 Request that the City Council consider adopting of an Ordinance canceling the Special Election for District Six, scheduled for May 11, 2013, and declaring the unopposed candidate for District Six, elected to office. (O-2013-26)**

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

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- O-3 Request that the City Council consider adopting of an Ordinance amending Tyler City Code Chapter 6 to adopt the 2009 International Residential Code with amendments. (O-2013-27)**

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

- O-4 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 by adopting the 2009 International Energy Conservation Code, with amendments. (O-2013-28)**

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

### **MISCELLANEOUS**

- M-1 Request that the City Council consider authorizing the City Manager to execute a Land Lease between Mr. Kenneth Ray Barron and the City of Tyler for a term of twenty years. ©**

Motion by Councilmember Heines; 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 Federal Aviation Administration (FAA) Lease No. DTFACN-13-L-00135 providing an Outer Marker (OM) facility site and access road. ©**

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

- M-3 Request that the City Council declare the boathouse on Lot 2, McElroy Road Subdivision, as a nuisance and authorize the City Manager to proceed with demolition.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute and approve the Guaranteed Maximum Price from Manhattan Construction Company for the construction of the Fair Plaza Garage. ©**

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

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## **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 provide defense and indemnity to a certain City employee who is a defendant in a lawsuit brought against him as a result of actions taken as a City employee. (R-2013-8)
- C-A-2** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain tract of land located at 2801 Chandler within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2013-9)
- C-A-3** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain tract of land located at 2107 Ben Street within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2013-10)
- C-A-4** Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property at Lake Tyler to Jerry J. Massey and Rachel L. Taylor. ©
- C-A-5** Request that the City Council consider authorizing the City Manager to execute an Easement and Right of Way agreement across City-owned property, located at 3151 Patriot Drive, in order to provide electrical service to the Charleston Park Booster Pump Station. ©
- C-A-6** Request that the City Council consider adopting a Resolution urging the Texas Legislature to support the continuation of the high-cost gas investment tax credit. (R-2013-11)
- C-A-7** Request that the City Council consider approving a Resolution endorsing certain legislative action in the regular session of the 83rd Texas Legislature to enhance the competitive electric market and system reliability role of cities in the regulator process. (R-2013-12)

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

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**CITY MANAGER'S REPORT**

1. Published budget distributed to City Council
2. Thanks Butler Architects & others for City Council chamber renovations.

**RECESS FOR EXECUTIVE SESSION** -City Council convened into executive session at 11:24 am

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.**

City Council reconvened from executive session at 11:39 am. with no action to be taken.

**ADJOURNMENT**

Motion by Mayor Pro Tem Whatley to adjourn the meeting at 11:39 am.; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

  
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BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS *MB*

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK

