

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
August 28, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 28, 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
	Edward Moore
	John Nix
City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Managing Director for Administration:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Neighborhood Services Manager:	Brenda Johnson
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
Internal Auditor:	Jon Grundy
Senior Public Relations Specialist:	Serena Butcher
City Planner:	Heather Nick
Water Quality and Production Manager:	Jimmie Johnson
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
Deputy City Clerk:	Cammie Wymore

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Whatley to approve the August 14, 2013 minutes; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

- A-1 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2012-2013 Budget document from the Government Finance Officers Association of the United States and Canada.**

Chief Financial Officer, Keidric Trimble: The Government Finance Officers Association presents a “Distinguished Budget Presentation Award” to cities with a budget document that conveys the financial message of the City and meets certain criteria. Tyler has successfully completed the budget from last fiscal year and has received a letter that the City will again be recipients of the award this year and have been presented with a plaque for the “Distinguished Budget Presentation Award”. There are approximately 17,000 members of the association, 1500 which apply for the award and 90% of those organizations receive the award. This is a testament of the financial responsibility of the City. The Budget Committee (consisting of the City Manager, ReNissa Wade, and Shaquita Leadon) are responsible for the budget document as well as the input from each department making this a City-wide accomplishment.

Motion by Councilmember Whatley; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

- A-2 Request that the City Council consider receiving and accepting a presentation for a Certificate of Achievement awarded to the City of Tyler Development Services Department for 100% International Code Council Certification, by Mark A. Roberts, Senior Regional Manager, Government Relations of the International Code Council, Inc.**

Development Services Engineer, Micheal Wilson: Michael Wilson stated that the ICC, International Code Council, provides incentive programs to departments such as Development Services to become 100% qualified. The Development Services department felt they qualified and signed up for the program, and the reward today is in recognition of that qualification. Mark Roberts, Senior Regional Planner - Public Relations, has come to present the award to Chief Building Official Joe Hancock.

Mark Roberts, 19176 Covington, LA 70433: Mark Roberts stated that this award is quite an achievement. Only 5 other cities in Texas qualified. Any time one gets an ICC certification in their discipline it demonstrates their commitment to public safety and ensuring the health, safety and welfare to the public in their discipline. Each employee in Development Services, both Plan Review & Development Services, is ICC certified. A building permit office whose entire staff is certified shows real professionalism in the department. On behalf of the ICC and Target, who is one of the primary sponsors, we want to congratulate the City of Tyler on its achievement. Congratulations on receiving the Certificate of Achievement and on becoming ICC certified professionals. This award recognizes a commitment to excellence in your industry and continuing education helping to build the best communities.

Motion by Councilmember Mezayek; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 A08-13-003 DONALD SIMMONS (EAST OF THE SOUTHEAST INTERSECTION OF HIGHWAY 31 EAST AND SSE LOOP 323)

Request that the City Council consider adopting an ordinance providing for the voluntary annexation of property located east of the southeast intersection of East Front Street and South Southeast Loop 323. The proposed annexation area consists of approximately 42.06 acres of land lying adjacent to the present boundary limits of the City of Tyler. Also consider recommending:

- A. The new boundary of the City Limits. The new boundary of the City Limits.
- B. The new boundary of the Extraterritorial Jurisdiction. The new boundary of the Extraterritorial Jurisdiction.
- C. The new boundary of the City Council District #4. The new boundary of the City Council District #4.
- D. The Land Use Guide to reflect General Commercial.
- E. Original zoning of 42.06 acres of "C-2", General Commercial District. (O-2013-65)

Motion by Mayor Pro Tem Heines; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-2 Z08-13-047 DONALD SIMMONS (406 SOUTH SOUTHEAST LOOP 323)
Request that the City Council consider approving a zone change from "C-1", Light Commercial District, to "C-2", General Commercial District. (O-2013-66)

Motion by Mayor Pro Tem Heines; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

Z-3 Z07-13-039 JALAPENO TREE HOLDINGS (309 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-2013-67)

Motion by Councilmember Nix; seconded by Councilmember Mezayek; motion carried 6 - 0 - 1 & approved as presented. Councilmember Whatley abstained.

Z-4 Z08-13-049 TEXAS BANK AND TRUST (4000 OLD OMEN ROAD AND 4150 COLINA TRAIL)
Request that the City Council consider approving a site plan amendment for a portion of the property zoned "PUR", Planned Unit Residential District, and a zone change from "PUR", Planned Unit Residential District, to "PXR", Planned Mixed Residential District, with final site plan. (O-2013-68)

Motion by Councilmember Whatley; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

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Z-5 Z08-13-048 STEVE THORNTON AND JOHN PAUL DAVIS (7220 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, and a Special Use Permit for an indefinite period of time with written narrative detailing the development parameters. (O-2013-69) (O-2013-70)

Motion by Councilmember Bowdre; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Z-6 Z08-13-045 CHICK-FIL-A (5716 SOUTH BROADWAY AVENUE)

Request that the City Council consider approving a zone change from "C-2", General Commercial District, to "C-1", Light Commercial District. (O-2013-71)

Motion by Councilmember Nix; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-7 Z08-13-042 RICHARD MCKELLAR (3908 EASY STREET)

Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District, to "AR", Adaptive Reuse District. (O-2013-72)

Motion by Councilmember Nix; seconded by Mayor Pro Tem Heines motion carried 7 - 0 & approved as presented.

Z-8 N05-13-003 VERA RAY (GARY AVENUE TO ROY RAY AVENUE)

Request that the City Council consider approving a thoroughfare name change from Gary Avenue to Roy Ray Avenue for the entire street length beginning at the intersection of Gary Avenue and East Barrett Street and continuing north approximately 1,400 feet to the city limit boundary. (O-2013-73)

Motion by Councilmember Moore; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

Z-9 Z08-13-040 MCCHRISTIAN SIRLES (711 WEST THIRD 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-2013-74)

Motion by Mayor Pro Tem Heines; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-10 Z08-13-044 MARTHA REYNOSO (502 LORANCE STREET)

Request that the City Council consider approving a zone change from "C-1", Light Commercial District, to "R-1D", Single-Family Detached and Attached Residential District. (O-2013-75)

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Motion by Mayor Pro Tem Heines; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

Z-11 Z08-13-050 FLOR IBARRA (719 EAST EARLE 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-2013-76)

Motion by Mayor Pro Tem Heines; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Z-12 ZA08-13-007 TYLER UNIFIED DEVELOPMENT CODE

Request that the City Council consider approving an ordinance amending the Tyler Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to use regulations, subdivision design and improvements, apportionment of municipal infrastructure costs, historic preservation, Certificates of Appropriateness and Demolition, national historic districts, streets and thoroughfares, development standards, awning signs, development approval procedures, administration and enforcement. (O-2013-77)

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-13 F08-13-074 KEELING HILLS UNIT 1, FIRST AMENDMENT

Request that the City Council consider approving a plat for a two lot subdivision containing approximately 0.57 acres of land located at the northeast intersection of Sunset Trail and Cottonwood Drive, and a waiver of \$17,693 in escrow for street improvements.

Motion by Councilmember Bowdre; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-14 F08-13-084 G.C. CURTIS ADDITION, FINAL PLAT

Request that the City Council consider approving a plat for a two lot subdivision containing approximately 0.99 acres of land located west of the southwest intersection of Robert E. Lee Drive and Cambridge Road, and a waiver of \$3,614 in escrow for street improvements.

Motion by Councilmember Nix; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

PRESENTATIONS

P-1 Request that the City Council receive a presentation regarding the City's Performance Excellence Program (PEP).

City Manager, Mark McDaniel: The PEP Program and all priority performance measures are being implemented in the strategic plans. The City is in the process of

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trying to create a dashboard that would be available on the internet for citizens to view performance measures against benchmarks to encourage greater transparency. The program was founded on a culture of continual improvement. There are seven (7) excellence criteria that the City evaluates itself upon, which are represented in the PEP wheel. These criteria come from the national Baldrige and Texas Award for Excellence programs. Each criterion has ten (10) sets of questions associated with them that must be answered. Over time there has been significant improvement in every department. To promote growth, the evaluation team alternates quarters of coaching and scoring to ensure that everyone is constantly progressing. The Lean Six Sigma program currently has sixty-three (63) open projects and is evaluating the applications for next year. Additionally, City U attendance is higher than ever. Five different tracks are available and three more, in response to the employee survey, will be provided including: mandatory supervisor school, workforce track (field crews can learn equipment and basic skills), employee re-orientation (re-acquainting long-time city employees with City policies, PEP, etc.). A short video presenting what employees do for the City and the service they provide for the community was shown.

PUBLIC HEARINGS

H-1 Request that the City Council consider conducting a public hearing on the proposed fiscal year 2013-2014 Budget and on the proposed property tax rate of \$0.220000 per \$100 of taxable property value and consider taking action to adopt the proposed tax rate on September 25, 2013 at the City Council's regularly scheduled meeting.

Public hearing was held and presented by Mark McDaniel.

City Manager, Mark McDaniel: City Manager Mark McDaniel presented a summary of the proposed budget and tax rate with a PowerPoint presentation. The proposed property tax rate of 22 cents per \$100 valuation is a 1.23 cent increase in the property tax rate for fiscal year 2013-2014.

Larry Meckley, 401 Southerland: Larry Meckley expressed concerns about the City's proposed budget as well as other objections to current City projects.

A second public hearing will be held on September 11, 2013.

MISCELLANEOUS

M-1 Request that the City Council adopt a Resolution ratifying submission of an application for and accepting Federal Aviation Administration (FAA) Grant Funds totaling \$1,015,061 for Runway 4/22 Improvements, Property Acquisition and Engineering Design/Reports at Tyler Pounds Regional Airport. This resolution also accepts any grant amendments to increase the grant funding levels, as well as authorizing the City's match payment not to exceed ten percent for proposed grant projects. (R-2013-22)

Airport Manager, Davis Dickson: Davis Dickson stated that the FAA Grant is 90/10 funding program projects which would allow for preliminary engineering and property acquisition for the Runway 4/22 Improvements. Objectives for grant-funded

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improvements are pavement rehabilitation, extension of the runway, and relocation of instrument landing system from shorter to longer runways.

Motion by Councilmember Bowdre; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to execute an agreement with the University of Texas Health Science Center at Tyler for services associated with the renovation of the North Tyler Medical Clinic.**

City Manager, Mark McDaniel: City Manager Mark McDaniel stated that the UT Health Science Center is requesting funding to have a new clinic at Gentry and Martin Luther King. This agreement would allow a one-time grant for improvements that will be funded by money previously designated to TotalHealth Care, which the City has not contributed to in over a year.

Motion by Councilmember Moore; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

- M-3 Request that the City Council consider ratification of a Property Transfer Agreement between the Piney Woods Regional Advisory Council (RAC-G) and the City of Tyler Emergency Operations Center (EOC) for the use of a 24 ft. Enclosed Emergency Response Trailer Unit.**

Fire Chief, Tim Johnson: Fire Chief Tim Johnson stated that the Regional Advisory Council focuses on emergency response and disasters, working closely with hospitals as well. The Council creates opportunities for entities by monitoring State and Federal grants. On August 15th the Tyler Fire Department was offered and presented the emergency response trailer which includes a refrigeration unit, water filtration system with a total capacity of 28,000 gallons of potable water per day, and a mounted 8 kw generator. The emergency response trailer is worth \$98,000. The trailer is to be used as an asset to help protect the community.

Motion by Councilmember Bowdre; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

- M-4 Request that the City Council consider changing the regular City Council Meeting date of October 9 to October 2, 2013.**

Motion by Councilmember Whatley; seconded by Councilmember Moore; motion carried 7 - 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).

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- C-A-1** Request that the City Council consider declaring the subject property as surplus property and authorize the City Manager to dispose of this property in accordance with State law and subject to final City Council approval.
- C-A-2** Request that the City Council ratify staff action to repair security system and appurtenances at Lake Palestine Water Treatment Plant by East Texas Alarm in the amount of \$45,372.16.
- C-A-3** Request that the City Council ratify staff action for security systems upgrade at Southside Wastewater Treatment Plant by East Texas Alarm, Tyler, Texas, in the amount of \$40,307.09.
- C-A-4** Request that the City Council ratify staff action to install security system upgrades at Westside Wastewater Treatment Plant in the amount of \$40,307.09.
- C-A-5** Request that the City Council consider authorizing the City Manager to award a contract in the amount of \$163,271 to S&S Roofing for the replacement of the roof on the Water Administration Building.
- C-A-6** Request that the City Council consider approving a re-plat of Lots 7F and 7G, East Side No. 5, located on Lake Tyler.
- C-A-7** Request that the City Council consider approving a re-plat of Lots 44 and 45, East Side No. 6, located on Lake Tyler.
- C-A-8** Request that the City Council consider ratifying a contract with TXU Energy, through First Choice Purchasing Cooperative, for the purchase of electricity beginning May 1, 2014 and extending through April 30, 2017.
- C-A-9** Request that the City Council consider rejecting Request for Proposal (RFP 13-017) for the Compressed Natural Gas Infrastructure Program.
- C-A-10** Request that the City Council consider declaring certain City of Tyler vehicles, equipment, and miscellaneous items as surplus and authorize for auction.
- C-A-11** Request that the City Council consider a Resolution to authorize continued participation with the Steering Committee of Cities Served by Oncor and authorizing the payment of 10 cents per capita to the Steering Committee.
(R-2013-23)

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

BOARD APPOINTMENTS

- B-1** Request that the City Council consider making appointments and reappointments to various City Boards.

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Mayor Barbara Bass: The following members are proposed for the respective boards:

Airport Advisory Board:

Larry Goddard

Mark Miller

Ronald Stutes

Joshua Ebright

It is recommended that Ronald Stutes be elected as chair.

Board of Adjustment:

Travis Booher

Monty Small

Mike Patterson (Alternate)

It is recommended that Amber Owens be elected as chair.

Civil Service Commission:

Peter A. Mason

Construction Board of Adjustment and Appeals:

Timothy Hunt

Jason VenderVorste

Carl Watson

Milford Brinton

Disability Issues Review Board:

Michelle Boyd

David Gary

Pete Kerr

Health Facilities Development Corporation Board of Directors:

Steven Roosth

Thomas Seale

Richard Ring

David Traff

Mark Walling

Historical Preservation Board:

William Bryan Campbell

Kristopher Jason Jennings

Casey Brownlow

It is recommended that Kristopher Jason Jennings be elected as chair.

Industrial Development Corporation:

Peter A. Mason

Mark Miller

Jeffery L. Williams

Keep Tyler Beautiful Board:

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Brandye Barrington
Chad Maddux
Anwar Khalifa
Kristy Corsivo
Jodie Meyer
Margo Ballew
Inez Cedillo

Library Board:

Ruth C "Casey" Fisher
Shana Steele
Sharon Gullett
Mary Linehan

It is recommended that Ruth C "Casey" Fisher be elected as chair.

Neighborhood Revitalization Board:

Sara Coats

Northeast Texas Public Health District Board:

Otis Webster

Parks Board:

William McKenzie
John Adkins
Lacy Patterson
Chad Humphries
Michael Ballew

It is recommended that John Adkins continue in his role as chair.

Planning & Zoning Commission:

Michael Carmichael
David Hudson
William Sheehy
Felicity Reedy

It is recommended that David Hudson be elected as chair.

Traffic Safety Board:

Kevan Kirksey
Rodney Witcher
Asia-Renee' Johnson

Motion by Councilmember Whatley; seconded by Councilmember Bowdre; motion carried 7 - 0
& approved as presented.

CITY MANAGER'S REPORT

1. The City Manager, accompanied by Councilmember Whatley, will be traveling to Austin to attend the conference on the Texas Department of Transportation "turnback" program.

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The City would be given back the responsibility of maintaining 42 lane miles of road under this program. The City Manager will be presenting the City's position, opposing this program.

RECESS FOR EXECUTIVE SESSION City Council convened into executive session at 10:23 a.m.

Executive Item No. 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 10:30 am.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:33 a.m. seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

