

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 23, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 23, 2014 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:	Darryl Bowdre
Councilmembers:	Mark Whatley 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
Managing Director for Administration:	ReNissa Wade
Chief Information Officer:	Benny Yazdanpanahi
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
Director of Solid Waste:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Senior Public Relations Specialist:	Serena Butcher
Director of Planning:	Heather Nick
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Jay Ferguson, headmaster at Grace Community School

MINUTES

Motion by Councilmember Mezayek to approve the April 9, 2014 minutes; seconded by Councilmember Nix; motion carried 6 - 0 & approved as presented

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Blueprint Award

Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for placing the highest premium on responsiveness to citizens' needs.

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Mayor Bass recognized Michael Howell as the Blueprint Blue Ribbon Award winner for placing the highest premium on responsiveness to citizens' needs.

ZONING

Z-1 Z02-14-017 THALIA AND VICTOR VERA (1512 CRESCENT DRIVE)
Request that the City Council consider an appeal approving a zone change from "R-1B", Single-Family Residential District, to "R-MF", Multi-Family Residential District.

Motion by Councilmember Moore to deny the request; seconded by Mayor Pro Tem Bowdre; motion carried 6 - 0 & denied as presented

Z-2 Z08-13-043 DAWN AND JIM CLARK (3030 OLD JACKSONVILLE HIGHWAY)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District, to "AR", Adaptive Reuse District.

Motion by Councilmember Mezayek to table the item; seconded by Mayor Pro Tem Bowdre; motion carried 6 - 0 & item tabled.

Z-3 Z04-14-027 RUSSELL BISHOP (1811 WENDOVER PLACE)
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-2014-29)

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

Z-4 Z04-14-028 S&T DEVELOPMENT (7596 OLD JACKSONVILLE HIGHWAY)
Request that the City Council consider approving a zone change from "R-1D", Single-Family Detached and Attached Residential District, "PUR", Planned Unit Residential District, and "PMF", Planned Multi-Family Residential District, to "R-1A", Single-Family Residential District, "C-1", Light Commercial District, and a "PUR", Planned Unit Residential District site plan amendment. (O-2014-30)

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

Z-5 Z04-14-030 MICHAEL COLLINS (128 BARBEE DRIVE)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District, to "RPO", Restricted Professional Office District. (O-2014-31)

Larry Meckley, 401 Sutherland Dr. – Stated that he was against the zoning change because it will cause traffic problem and the property is in a flood zone.

Councilmember Whatley - Asked if this is in or out of the flood zone?

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Brian Ballard, 3815 Old Bullard Rd. – Stated that this zoning is in a flood zone and will be used as a parking lot. The lot to the west where the restaurant will be built is not in the flood zone.

Councilmember Whatley – Asked if any issues in regard to the flood zone will be addressed at time of construction during permitting process?

Brian Ballard, 3815 Old Bullard Rd. – Stated, “Yes.”

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

Z-6 Z04-14-031 RYNO TEXAS HOLDINGS (5555 OLD JACKSONVILLE HIGHWAY) Request that the City Council consider approving a zone change from “C-2”, General Commercial District, and “M-1”, Light Industrial District, to “C-1”, Light Commercial District. (O-2014-32)

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

PRESENTATIONS

P-1 Request that the City Council receive a presentation from MHS Planning and Design, LLC of Tyler, Texas, on the Rose Garden Master Plan and consider adoption of the Master Plan.

Mark Spencer, 212 W. 9th St. – Gave a brief update on the Rose Garden Master Plan.

Oliver Windham, 1907 Cheryl Lane, Arlington, Texas – Gave a brief update on the Rose Garden Master Plan.

Bill McKenzie, 2801 Wexford – Spoke in favor of the plan and asked if City Council think about some of the motel hotel tax fund could be used to help fund this project.

Larry Meckley, 401 Sutherland – Stated that he would like to see everything implemented just the way it is in the Tyler 21 Plan.

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

ORDINANCE

O-1 ZA04-14-003 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 references to the comprehensive plan and regulations relating to zoning districts, use regulations and development standards. (O-2014-33)

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

MISCELLANEOUS



M-1 Request that the City Council consider authorizing the City Manager to award the construction contract for the West Cumberland Extension Project and Cherryhill Drive Extension to the lowest bidder, Longview Bridge and Road, Limited, in the amount of \$17,972,467.85.

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

M-2 Request that the City Council consider authorizing the City Manager to sign a Water Rights Contract between the City of Tyler and the Angelina Neches River Authority (ANRA) for the impoundment of 14.75 acre-feet for the small lake feature at the Hotel Conference Center site in the amount of \$22,500, and execute a professional services contract with Adams Engineering for design and construction updates in the amount of \$14,800.

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



M-3 Request that the City Council consider accepting the annual review of City of Tyler tax abatements regarding Centene, Hood Packaging, Tazza Pronto, and VME Process Systems.

Motion by Councilmember Whatley; 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 a contract for the upgrade to the City's Compressed Natural Gas (CNG) fueling station at the Oakwood Complex (Bid 14-020).

David Johnson, 3118 Stanford Court – Stated that his concern was the government expansion to a private sector. Mr. Johnson asked City Council to make a just and fair judgment.

Jamal Moharer, 1190 CR 3504 – Stated that he was here as a local tax payer and a CNG contractor. The City RFP specifically asked for the system to American made and what is being proposed is contrary to that. The 50 cent tax credit should not even be discussed because it's not on the books and it does not apply any longer. What they are proposing is a South American compressor without a back-up. Look at the benefits that we are offering and see there is .31 cent difference and does not include any taxable investment.

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Charles Stone, Mansfield, Tx. – Stated that he thought that his company would be the low bidder but was not. Mr. Stone stated that he felt the bid that was provided by Mr. Moharer provided easy access to fast filled opportunities and the City should take advantage of that.

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



M-5 Request that the City Council consider ratifying staff action for the award of the construction contract for the Fair Plaza Garage parking equipment to the low bidder, Skidata, in the amount of \$239,383.

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Moore; 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 an ordinance amending City Code Chapter 17, by temporarily decreasing the speed limit on a portion of U.S. Highway 69 South (South Broadway) from 55 miles per hour to 45 miles per hour from Friday, April 25, 2014, to Monday, September 1, 2014. (O-2014-34)

C-A-2 Request that the City Council consider adopting a Resolution authorizing the Vehicle Equipment Services Manager, the Chief of the Tyler Fire Department, and the Chief of the Tyler Police Department, or their respective authorized designees, to apply to the Texas Department of Transportation for the issuance of exempt regular and alias license plates for the City of Tyler, Texas and to exempt certain City vehicles from inscription requirements. (R-2014-11)

C-A-3 Request that the City Council consider accepting a report regarding the Workers' Compensation, Property and Casualty claims, and Lawsuits through March 31, 2014 and ratify all claim payments and settlements.

C-A-4 Request that the City Council consider authorizing the City Manager to pursue and accept grant funding through the Bulletproof Vest Partnership Grant Act for body armor purchased by the City for the Police Department.

C-A-5 Request that the City Council consider authorizing the City Manager to execute all necessary agreements for the purchase of property at the northeast corner of Palace Avenue and Gentry Parkway.

Motion by Mayor Pro Tem Bowdre to approve the entire consent agenda; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.



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CITY MANAGER'S REPORT

Thanked the staff-City received the Texas Quality Award.

RECESS FOR EXECUTIVE SESSION –City Council convened into executive session at 10:52 pm.

Executive Item No. 1:

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.

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.

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

City Council reconvened from executive session at 11:07 am with no action taken.

ADJOURNMENT

Motion by Councilmember Mezayek to adjourn the meeting at 11:07 am; seconded by Councilmember Moore; motion carried 6 - 0 & meeting adjourned.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

