

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 24, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 24, 2014 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Martin Heines
Mayor Pro Tem:	Darryl Bowdre
Councilmembers:	Mark Whatley Sam Mezayek Edward Moore John Nix Don Warren
Interim City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Managing Director for Administration:	ReNissa Wade
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
Transit Manager:	Heather Bolestridge
Director of Solid Waste:	Russ Jackson
Senior Public Relations Specialist:	Serena Butcher
Director of Planning:	Heather Nick
Water Quality and Production Manager:	Jimmie Johnson
Water Business Office Manager:	Jim Yanker
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Bowdre.

MINUTES

Motion by Councilmember Mezayek to approve the September 10, 2014 minutes; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

ZONING

**Z-1 C09-14-005 SUNSET ENTERPRISES, INC (ALLEY RIGHT-OF-WAY)
Request that the City Council consider the closure of a 20 feet wide unimproved alley**

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right-of-way beginning north of the northeast corner of North Bois D'Arc Avenue and Martin Luther King, Jr. Boulevard and continuing east approximately 150 feet. (O-2014-75)

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

Z-2 Z09-14-066 ROY ROAD VENTURES, LLC (6706, 6732, 6738, 6744, 6750, 6758, 6766, AND 6850 AMBER CIRCLE) Councilmember Nix abstained from discussion and vote. Request that the City Council consider approving a "PMF," Planned Multi-Family Residential District, site plan amendment. (O-2014-76)


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

Z-3 Z09-14-069 TYLER PARK HILL VENTURES (2620 GUINN FARMS ROAD) Request that the City Council consider approving a zone change from "PUR," Planned Unit Residential District, to "R-1D," Single-Family Attached and Detached Residential District, and "C-1," Light Commercial District, and a "PUR," Planned Unit Residential District, site plan amendment. (O-2014-77) Councilmember Nix abstained from discussion and vote.


Motion by Councilmember Whatley; seconded by Mayor Pro Tem Bowdre; motion carried 6 - 0 - 1 & approved as presented.

 **Z-4 Z09-14-062 NOVA FRANKLIN (808 SELMAN STREET) Request that the City Council consider approving a zone change from "R-MF," Multi-Family Residential District, to "R-1B," Single-Family Residential District. (O-2014-78)**

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

 **Z-5 Z09-14-063 JESUS GAYTAN, JR. (1221 WEST 33RD 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-2014-79)**

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

 **Z-6 Z09-14-064 TRAVIS MAHOMES (709 WEST HARMONY 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-2014-80)**

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

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Z-7 Z09-14-065 GLORY DEVELOPMENT (327 NORTH HORACE AVENUE)

Request that the City Council consider approving a zone change from "R-2," Two-Family Residential District, to "R-1D," Single-Family Attached and Detached Residential District. (O-2014-81)

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

Z-8 Z09-14-067 MEZAYEK BUILDING (SOUTHWEST INTERSECTION OF GRANDE BOULEVARD AND NEW COPELAND ROAD)

Request that the City Council consider approving a zone change from "C-1," Light Commercial District, to "PMF," Planned Multi-Family Residential District, with site development plan. (O-2014-82) Councilmember Mezayek abstained from discussion and vote.

Dr. Don Haygood, 1120 Regency Ln. – Stated that he was here representing the owners of the 20 acres tree farm east of the project. Dr. Haygood stated that he was here to help improve the project and stated the three (3) potential problems with the project:

1. Increase traffic congestion – Dr. Haygood alleged that traffic from two hundred (200) new residential homes in the proposed development will access Grande with no traffic light control and in close proximity to the Grande/Copeland intersection. This will increase traffic congestion on Grande and could require the city to install new traffic lights just several hundred feet from the current Grande/Copeland intersection. Increasing the total number of access points to a major road is known to slow traffic and increase the number of accidents along the roadway.
2. Increase storm water drainage – Dr. Haygood asserted that there is currently no water drainage plan in place for the east 20-25% of the proposed residential development. Water from this portion of the proposed development would flow south/southeast and compound the current flooding problem at the end of Elaine Street and Beth Street. When originally built, it was anticipated that Elaine and Beth Streets would eventually connect into an extended Copeland Road.
3. Dr. Haygood believes that there would be increase city liability from the unmanaged water run off east of Elaine Street and Beth Street.

Dr. Haygood – stated that the proposed solutions would be:

1. Extend New Copeland Road south of Grande approximately 1000 ft. to Beth Street. This could be a 2 lane street like Elaine and Beth streets, or a four-lane street like Copeland is now.
2. Connect the proposed new residential development, the recently approved residential development south of it, Elaine Street, and Beth Street into the New Copeland Road extension.
3. Build storm sewer drains at the east portion of the proposed development, the east end of Elaine Street, and the east end of Beth Street to direct the water flow southward. These drains would connect with the existing storm sewer drainage from the Sleepy Hollow addition.

Carter Dellenev, City Engineer – Stated that when the City constructed Grande,

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through this section, they spoke to the developer and there was a part of the system toward the northeast corner where a pipe was stubbed out that would accept the amount of water that the developer was going to put through this developed area. The Grande drainage system is ready and able to accept the majority of this project. The natural flow of water is to the southeast for this whole area and it drops off and naturally drains to the south and to the east through the 20 acres that was mentioned before. There will be less drainage going to the southeast because Grande was designed to accept some of that water that might flow to the southeast from this proposed development. The drainage is actually going the opposite direction to collect onto Grande, which actually decreases the amount of water that use to naturally flow to the south and to the east.

Councilmember Nix – Stated that the neighbors on Elaine St. are against the extension of Copeland into the neighborhood.

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Nix; motion carried 6 -0-1 & approved as presented

Z-9 Z09-14-068 MBAR PROPERTIES (4419 DC DRIVE)
Request that the City Council consider approving a zone change from “M-1,” Light Industrial District, to “C-2,” General Commercial District. (O-2014-83)

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

Z-10 Z09-14-070 BOB KURTZ (1153 EARLE STREET AND 1215 BAILEY DRIVE)
Request that the City Council consider approving a zone change from “R-2,” Two-Family Residential District, to “R-MF,” Multi-Family Residential District. (O-2014-84)

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

Z-11 F09-14-117 TIMBERCREEK PLAZA UNIT 1, FINAL PLAT
Request that the City Council consider approving a plat for a three-lot subdivision consisting of 6.29 acres of land located at the southwest intersection of Farm-to-Market Road 2493 and County Road 133, and a waiver of escrow for street improvements to County Road 133 in the amount of \$139,245.

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

Z-12 F09-14-122 WANGNER ADDITION, FIRST AMENDMENT
Request that the City Council consider approving a plat for a two-lot subdivision containing approximately 2.23 acres of land located at the northeast intersection of South College Avenue and West Charnwood Street and a waiver of right-of-way dedication for West Charnwood Street.

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

PRESENTATIONS

- P-1 Request that the City Council consider receiving a presentation from the Engineering Department regarding the use of our pavement management system and cost-effective pavement management programs in the City of Tyler.**

Carter Delleney and Adrienne Leach – Gave a presentation regarding the use of the pavement management system and cost-effective pavement management programs in the City of Tyler.



- P-2 Request that the Council receive a presentation of a check from Suddenlink Communications to the City of Tyler and Texas Parks and Wildlife Foundation to be used for a Neighborhood Fishin' Program at Woldert Park.**

Skip Ogle, Suddenlink and Craig Bonds, Texas Parks and Wildlife Foundation - Presented City Council with a check in the amount of \$5,000.00 to purchase fish for the fishing program.

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending City Code Chapters 14 and 16 to update provisions related to the City's assumption of Animal and Vector Control services effective Oct. 1, 2014 and appointing a Local Rabies Control Authority per Chapter 826 of the Texas Health and Safety Code. (O-2014-85)**

Motion by Councilmember Mezayek to adopt ordinance and appoint Chris Lennon; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

- O-2 Request that the City Council consider adopting an Ordinance amending and updating Tyler City Code Chapter 8 relating to fee adjustments regarding rental rates for Harvey Convention Center and adding an additional caterer fee for the Rose Garden, Chapter 12 relating to Airport Parking Fees, and Chapter 19 relating to water and sewer rate increases. (O-2014-86)**

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

- O-3 Request that the City Council consider adopting the Fiscal Year 2014-2015 proposed budget ordinance, Fiscal Year 2013-2014 budget amendments, and authorize the Interim City Manager to execute the outside agency contracts for Fiscal Year 2014-2015. (O-2014-87)**

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Larry Meckley, 401 Sutherland – Stated that he was concerned about citizens safety and needs. Mr. Meckley asked if the flooding on Douglas Street be corrected. He also asked if the public beauty as stated in the Tyler 21 plan be improved. Making improvements on Bellwood Lake would be a great improvement.

Motion by Councilmember Whatley to adopt an ordinance adopting the budget for the City of Tyler, Texas for the fiscal year beginning October 1, 2014, and ending September 30, 2015; amending the fiscal year 2013-2014 budget; and authorizing the city manager to execute outside contracts for fiscal year 2014-2015; seconded by Councilmember Nix; Mayor Heines called City Councilmember names for record vote:

RECORD VOTE BY:

District 1 Council member Sam Mezayek	Aye
District 2 Council member Darryl Bowdre	Aye
District 3 Council member Ed Moore	Aye
District 4 Council member Don Warren	Aye
District 5 Council member Mark Whatley	Aye
District 6 Council member John Nix	Aye
Mayor Martin Heines	Aye

motion carried 7 - 0 & approved as presented.

Motion by Councilmember Whatley to ratify the property tax increase reflected in the Fiscal Year 2014-2015 budget; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

O-4 Request that the City Council consider adopting the property tax rate ordinance of \$.220000 cents per \$100 valuation for Fiscal Year 2014-2015. (O-2014-88)

Motion by Councilmember Whatley “that the property tax rate be increased by the adoption of a tax rate of \$.220000 cents per \$100 dollars of appraised value, which is effectively a .6 percent increase in the tax rate”; seconded by Mayor Pro Tem Bowdre; Mayor Heines called City Councilmember names for record vote:


RECORD VOTE BY:

District 1 Council member Sam Mezayek	Aye
District 2 Council member Darryl Bowdre	Aye
District 3 Council member Ed Moore	Aye
District 4 Council member Don Warren	Aye
District 5 Council member Mark Whatley	Aye
District 6 Council member John Nix	Aye
Mayor Martin Heines	Aye

motion carried 7 - 0 & approved as presented

MISCELLANEOUS

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- M-1** Request that City Council consider rejecting all bids submitted for the South Police Substation, Bid No. 14-031, and authorize the City of Tyler Engineering Department to advertise the project again at a later date.

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; 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.)


- C-A-1** Request that City Council consider authorizing the Interim City Manager to award the service contract for Citywide Fire Extinguisher Maintenance and Fire Protection Services to Anchor Safety in the amount not to exceed \$37,968 over the next three (3) years.

- C-A-2** Request that the City Council consider authorizing the Interim City Manager to award the various annual price agreements to the listed vendors from Oct. 1, 2014 through Sept. 30, 2015.

- C-A-3** Request that the City Council consider renewing the Property and Casualty, Special Event Insurance and Third Party Claim Administration contracts for the City of Tyler for Fiscal Year 2014-2015 as the first of two (2) one-year renewal options authorized Sept. 25, 2013.


- C-A-4** Request that the City Council consider renewing the Excess Workers Compensation and Third Party Claim Administration contracts for the City of Tyler for Fiscal Year 2014-2015 as the first of two (2) one-year renewal options authorized Sept. 25, 2013.

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- C-A-5** Request that City Council consider authorizing the Interim City Manager to approve the final acceptance and release of retainage in the amount of \$313,350.87 for a final contract amount of \$7,328,021 to Manhattan Construction Company for the construction of Fair Plaza Parking Garage.

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- C-A-6** Request that the City Council consider authorizing the Interim City Manager to award the Taxiway Kilo Erosion Control Project at Tyler Pounds Regional Airport to Reid Construction, Inc. in an amount not to exceed \$626,052.12 and recommend that the Half Cent Sales Tax Board authorize the ten percent (10%) local share in the amount of \$62,605.21.

- C-A-7** Request that the City Council consider authorizing the Interim City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of water meters, transceiver units, and register units during Fiscal Year 2014-2015.

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- C-A-8** Request that the City Council consider authorizing the Interim City Manager to extend the various annual price agreements for office supplies, office furniture and equipment, copy paper, uniform/floor mat rental, ductile iron fittings, and water meter boxes and lids for one year beginning Oct. 1, 2014.
- C-A-9** Request that the City Council consider authorizing the Interim City Manager to award the various annual price agreements for ductile iron pipe and clay pipe and fittings for the Fiscal Year beginning Oct. 1, 2014.
- C-A-10** Request that the City Council consider awarding bids opened Aug. 26, 2014 for the purchase of various annual price agreements for chemicals, from Oct. 1, 2014 through Sept. 30, 2015, to the listed vendors.
- C-A-11** Request that the City Council consider authorizing the Interim City Manager to award the purchase of Conbraco / Apollo Double Check Detector Assemblies to MacArthur Gauge, Incorporated during the Fiscal Year 2014-2015.
- C-A-12** Request that the City Council consider authorizing the Interim City Manager to approve an agreement with First Choice Cooperative and The Cooperative Purchasing Network (TCPN) whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives.
- C-A-13** Request that the City Council consider authorizing the Interim City Manager to execute a lease agreement renewal with the Tyler Ski Club for limited skiing on Lake Bellwood.
-  **C-A-14** Request that the City Council consider authorizing the Interim City Manager to accept and enter a grant agreement with Texas Department of Transportation for the purchase of two ADA Paratransit buses in the amount of \$180,676 with an additional \$36,135 in transportation credit.
- C-A-15** Request that the City Council consider adopting a Resolution appointing Jeffrey L. Levin, M.D. as the Smith County Local Health Authority and authorizing Mayor Heines to sign the required State of Texas Certificate of Appointment. (R-2014-23)

Motion by Councilmember Whatley; seconded by Councilmember Moore; 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.

Airport Advisory Board

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Motion by Councilmember Whatley to reappoint **Robert Hahn**; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented

Motion by Councilmember Whatley to appoint **Robert Spivey** and **Lindsey Birdsong**; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented

Board of Adjustment

Motion by Councilmember Whatley to reappoint **David Pierson**, **Amber Owen**, **Mary Endres** and move **Mike Patterson** up as a regular member; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented

Motion by Councilmember Whatley to appoint **Travis Booher** as **Chairman**; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

Construction Board of Adjustments and Appeals

Motion by Councilmember Warren to reappoint **Cody Scates**, **John Bullard**, and **Michael Barham**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Warren to appoint **John Bullard** as **Chair**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Disability Issues Review Board

Motion by Councilmember Nix to reappoint **Margaret Rapp**, **Rhonda McKinzie** and **Pete Kerr**; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Nix to appoint **Scottie Rasberry** and **Detrese Harkey**; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Nix to appoint **Pete Kerr** as **Chair**; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Health Facilities Development Corporation Board of Directors

Motion by Councilmember Mezayek to reappoint **James Wynne**, **John Garrett**, **E. W. Clawater** and **Blake Beavers**; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Mezayek to appoint **Daniel R King**; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & approved as presented

Historical Preservation Board

Motion by Councilmember Whatley to reappoint **Jim Robertson**, **Daniel Noteware**, **Ellen Musselman** and **Chad Cargile**; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & approved as presented.

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Motion by Councilmember Whatley to appoint **Brad Emge** and **John Breedlove**; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & approved as presented

Keep Tyler Beautiful Board

Motion by Mayor Pro Tem Bowdre to reappoint **Phyllis Carlyle**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Motion by Mayor Pro Tem Bowdre to appoint **Russell Patterson**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Motion by Mayor Pro Tem Bowdre to appoint **Chad Maddux** as **Chair**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Library Board

Motion by Councilmember Moore to reappoint **Toni Ferrell** and **Thomas Fernandez**; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

Neighborhood Revitalization Board

Motion by Councilmember Moore to reappoint **Gary Choice Sr.** and **Robert Campbell**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Moore to appoint **Carl Johnson** and **Greg Grubb**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Motion by Councilmember Moore to reappoint **Robert Campbell** as **Chair**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Northeast Texas Public Health District Board

Motion by Councilmember Whatley to reappoint **Linda Klotz**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Park Board

Motion by Councilmember Nix to reappoint **Keith McCoy**; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Nix to appoint **Sandy Shepard**, **Stuart Hene** and **Neal Katz**; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Planning and Zoning Commission

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Motion by Councilmember Warren to reappoint **Lowell Starling** and **Amy McCullough**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Traffic Safety Board

Motion by Councilmember Whatley to reappoint **Thomas Johnson** and **Jacqueline Fowler**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Whatley to appoint **Eric Kolder**; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

INTERIM CITY MANAGER'S REPORT

1. **Downtown film festival starts tonight at 7:00 pm each night and continues through Saturday of this week.**
2. **Greg Morgan reported that the contractors are on site at the dam at Lake Tyler.**
3. **Grant has been confirmed for 9.6 million for runway at the airport.**

RECESS FOR EXECUTIVE SESSION – City Council recessed into executive session at 10:48 am

Executive Item No. 1:

Under Tex. Gov't Code 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 Tex. Gov't Code 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.

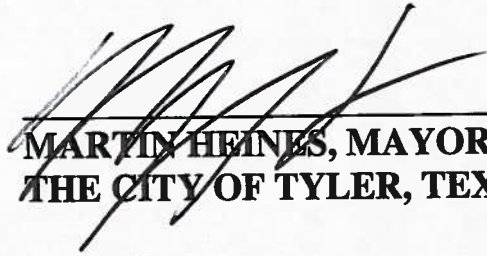
Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 11:05 am with no action taken.

ADJOURNMENT

Motion by Councilmember Mezayek to adjourn the meeting 11:05 am; seconded by Councilmember Whatley; motion carried 7 - 0 & meeting adjourned.

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MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

