

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 24, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 24, 2015 at 11:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor: Martin Heines
Mayor Pro Tem: Edward Moore
Councilmembers: Mark Whatley
Linda Sellers
Darryl Bowdre
John Nix
Don Warren

City Manager: Edward Broussard
Asst. City Manager: Susan Guthrie
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
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
Director of Solid Waste: Russ Jackson
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 Councilmember Whatley.

MINUTES

Motion by Councilmember Whatley to approve the June 10, 2015 minutes; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Award Recognition

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 **50 years** of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
05/21/1990	Gary	Smith	Building Service Supervisor	Building Services	25
06/04/1990	Russ	Jackson	Director Solid Waste	Solid Waste	25

Councilmember Whatley abstains from voting and exits the Council Chambers prior to discussion.

ZONING



Z-1 Z06-15-061 ELAM SWANN PROPERTIES LTD (8389 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a “PMXD-1”, Planned Mixed Use District final site plan. (0-2015-55)

Motion by Councilmember Nix; seconded by Councilmember Warren; motion carried 6 – 0-1 & approved as presented.



Z-2 S06-15-011 ELAM SWANN PROPERTIES LTD (8389 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a Special Use Permit to allow for the development of a 13-bed hospital with overnight stay for an indefinite period of time. (0-2015-56)

Motion by Councilmember Nix; seconded by Councilmember Warren; motion carried 6 – 0-1 & approved as presented.

Councilmember Whatley reenters the Council Chambers.



Z-3 Z06-15-063 CHRISTIAN RESTORATION COMMUNITY (134 NORTH GLENWOOD BOULEVARD) Request that the City Council consider approving a zone change from “M-1”, Light Commercial District to “C-1”, Light Commercial District. (0-2015-57)

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



Z-4 S06-15-010 CHRISTIAN RESTORATION COMMUNITY (134 NORTH GLENWOOD BOULEVARD) Request that the City Council consider approving a Special Use Permit to allow for the development of a veterans transitional home for a three year period of time. (0-2015-58)

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



Z-5 Z06-15-060 GLORY DEVELOPMENT CORPORATION (1009 NORTH SPRING AVENUE) Request that the City Council consider approving a zone change from “C-1”, Light Commercial District to “R-1B”, Single-Family Residential District.

Motion by Councilmember Warren; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented. **(0-2015-59)**

Z-6 Z06-15-053 BERT POWELL (409, 415, 416, 421, 422, AND 428 SUNNY LANE) Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District and “C-2”, General Commercial District to “AR”, Adaptive Reuse District.

Motion by Councilmember Bowdre; seconded by Mayor Pro Tem Moore; motion carried 7 - 0 & approved as presented. **(0-2015-60)**

Z-7 Z06-15-055 STEWART FAMILY FUNERAL HOME, LTD (7525 OLD JACKSONVILLE HIGHWAY) Request that the City Council consider approving a “PCD”, Planned Commercial District site plan amendment.

Motion by Councilmember Bowdre to approve the Planned Commercial District site plan with the amendment that no vehicle services be conducted on site nor service facilities be located on the site; seconded by Mayor Pro Tem Moore; motion carried 7 - 0 & approved as presented. **(0-2015-61)**

Z-8 Z06-15-054 YENI REYES ESPINOZA (503 SOUTH BONNER AVENUE) Request that the City Council consider approving a zone change from “RPO”, Restricted Professional Office District to “AR”, Adaptive Reuse District.

Motion by Councilmember Bowdre; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented. **(0-2015-62)**

Z-9 Z06-15-057 KALLY DREAMING, INC (6310 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “C-2”, General Commercial District.

Motion by Councilmember Nix; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented. **(0-2015-63)**

Z-10 Z06-15-056 SAIS INTERNATIONAL (7918 AND 7920 SOUTH BROADWAY

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AVENUE) Request that the City Council consider approving a zone change from “PMXD-1”, Planned Mixed Use District to “C-1”, Light Commercial District.

Motion by Councilmember Nix; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented. **(0-2015-64)**



Z-11 C06-15-006 SERGIO SALAZAR (ALLEY RIGHTS-OF-WAY) Request that the City Council consider approving the closure of unimproved rights-of-way.

Motion by Councilmember Bowdre; seconded by Councilmembers Sellers; motion carried 7 - 0 & approved as presented. **(0-2015-65)**

Z-12 Z06-15-062 DAVIS THORNTON LTD (0.95 ACRE TRACT OF LAND) Request that the City Council consider approving a zone change from “R-1B”, Single-Family Residential District to “PMF”, Planned Multi-Family District with written narrative.

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Moore; motion carried 7 - 0 & approved as presented. **(0-2015-66)**

PRESENTATIONS

P-1 Request that the City Council consider hearing a presentation on the major city-related bills from the recently concluded 84th Legislative Session, as presented by Brandon Aghamalian, President of Focused Advocacy.

Susan Guthrie, Asst. City Manager – Stated that last September the City of Tyler obtained the services of Focused Advocacy to help the City achieve the goals it set for this legislative session. Two of the main objectives that the City wanted to achieve this session related to obtaining the hotel occupancy tax rebate from the State of Texas for the City’s hotel conference center, as well as giving the City some tools to expand growth into the southern areas of the City through its water and sewer delivery services. Additionally, the City sought help with the various bills that were filed this session that would have potentially serious negative effects on the City if passed.

Brandon Aghamalian, Focused Advocacy – Stated that 6,400+ bills were filed, nearly 2,000 of those bills affected cities, and 1,300 of the filed bills made it to the Governor’s desk. No other entity has more of a relationship or is impacted more by the legislature than cities. Transportation will be an item on the ballot for the November 3, 2015 election. If approved by the voters, this proposition will put about \$2.5 billion new dollars into the transportation system. Other important bills passed included the following:

SJR 1/SB 1 (Nelson)

Raises the school homestead exemption to \$25,000 (from \$15,000) (avg. \$126/yr. savings). Important to cities and other forms of local government the bill does lock in any existing homestead exemptions for school district, city, or county for next 5 years.

HB 32 (Bonnen) - Another part of the tax relief bill is a business franchise tax cut which cuts franchise tax rates 25% (1% rate reduced to 0.75%; 0.5% rate reduced to 0.375%).

SB 1760 (Creighton) - Requires 60% majority of governing body to adopt a property tax rate exceeding “effective rate”. This bill affects cities with councils of seven, nine, or eleven-plus voting members by requiring one additional “aye” vote.

SB1964 (Clardy) - Qualified the City of Tyler and four other cities as an “eligible central municipality” which allows an “eligible central municipality” to receive a rebate for a period of 10 years of

- *the local & state hotel taxes,
- *the local & state sales taxes,
- *the local mixed beverage tax

collected on site from a hotel on land owned by the city within 1,000 feet of a convention center facility owned by the city, to be pledged for the payment of bonds or other obligations to acquire, lease, construct, and equip the hotel, and any facilities ancillary to the hotel, including entertainment-related facilities, restaurants, shops, and parking facilities.

Senator Eltife along with the City of Tyler was instrumental in getting HB 1964 passed. Rep. Clardy (R-Nacogdoches) authored HB 1964 which originally only applied to City of Nacogdoches. Sen. Eltife, who chairs the Senate Business & Commerce Committee, had the bill referred to his committee and amended it to qualify five additional cities: Tyler, El Paso, Frisco, Round Rock, and Odessa. The bill was passed and signed into law.

SB 789 – Gave the City of Tyler authority to provide sewer service to an area entirely within the city’s boundaries without first having to obtain from the TCEQ a CCN.

SB 912 - Exempts cities from notifying TCEQ of an accidental discharge or spill of certain treated or untreated domestic wastewater of certain natures.

Snapper Carr, Focused Advocacy – Gave an update on municipal bills that did not pass as well as those that did pass.

Bills that passed:

- 60% vote required to raise Property Taxes (SB 1760)
- Oil & Gas (HB 40)
- May Election Date Moved (HB 2354)
- Candidate Eligibility (HB 484)
- City Contracting (HB 1295)
- Vendor Relationship Disclosure (HB 23)
- Financial Debt Reporting (HB 1378)
- Open Records (HB 684)
- Capital Appreciation Bond (HB 114)
- Eminent Domain Reporting (SB 1812)

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Bills that did not pass:

- Prohibiting Cities From Advocating / Lobbying
- Revenue Caps
- Appraisal Caps
- Super Pre-Emption
- Annexation Limitations & Elections
- Red Light Camera Ban
- Legal Notices on Internet
- Eminent Domain Costs
- Ballot Language (Debt)
- Tree Ordinance Bans
- Vested Rights
- Payday Lending
- Pension Changes
- Exempting ISDs from Storm water Fees
- Texting While Driving Ban
- “Transportation Networks” (Uber)

Bills that were vetoed

- Abbot vetoed 42 bills
- Line item vetoed \$300M out of budget
- SB 408 & SB 3193 - would have increased amount of preference local governments could give a local business bidding on a contract for property.

Councilmember Whatley - Thanked Brandon Aghamalian and Snapper Carr with Focused Advocacy for their service and dedication.

Mayor Heines - Thanked Brandon Aghamalian for the guidance on the two bills which were the CCN and the hotel conference center rebate bill, the help on those bills was invaluable.

Councilmember Whatley- Thanked Greg Morgan for his hard work and dedication.

P-2 Request that the City Council consider hearing a presentation by Tim Kelty, City Manager of Henderson, Texas thanking the City of Tyler for assisting with disaster relief.

Tim Kelty, City Manager for Henderson, Texas – Thanked the City of Tyler for their assistance during the tornado that hit the City of Henderson.

ORDINANCE



O-1 ZA06-15-003 UNIFIED DEVELOPMENT CODE (BIANNUAL REVIEW) Request that the City Council consider approving an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to development standards, environmental regulations, development approval procedures, and definitions as outlined in the Update Matrix and Graphics.

Motion by Councilmember Whatley; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented. **(0-2015-67)**

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 ratifying emergency staff action to participate in a construction project for the 5415 South Broadway Avenue drainage improvements project in the amount of \$48,000.00.

C-A-2 Request the City Council consider authorizing the City Manager to pursue grant funding through the COPS Hiring Program for two additional Police Officer positions to enhance recruiting diversity through community engagement efforts.

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

CITY MANAGER'S REPORT

- 1. Congratulate the City and City staff for receiving the Progress Level Award from the Quality Texas Foundation**
- 2. Update on Sales Tax Figure (3.3 Million)**
- 3. Crews have started micro surfacing on Rice, Shiloh Road**
- 4. Thanks to the Parks Department, Police Department, and Solid Waste for the contributions on making the Juneteenth Celebration a great success**
- 5. CIP reports handed out**

RECESS FOR EXECUTIVE SESSION - NO NEED FOR EXECUTIVE SESSION

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.

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Executive Item No. 3:

Under Tex. Gov't Code section 551.071 "Litigation" deliberation regarding the following:

1. Possible or contemplated litigation involving civil service promotional examination.
2. Possible or contemplated litigation regarding the *Yaneth Fuentes; Hector Alfonso Fuentes; Victor Javier Fuentes; Kimberly Yuri Fuentes; Juan Fuentes; Angelica Fuentes, v. Matthew Riggle* suit.

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

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:32 am; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.

**EDWARD MOORE, MAYOR PRO TEM
OF THE CITY OF TYLER, TEXAS**

A T T E S T:

CASSANDRA BRAGER, CITY CLERK