

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
July 22, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 22, 2015 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: Martin Heines (**absent**)  
Mayor Pro Tem: Edward Moore  
Councilmembers: Mark Whatley  
Linda Sellers  
Darryl Bowdre  
John Nix (**absent**)  
Don Warren

City Manager: Edward Broussard  
Asst. City Manager: Susan Guthrie  
City Attorney: Deborah G. Pullum  
Deputy City Attorney: Steve Kean  
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  
Director of Planning: Heather Nick  
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 Councilmember Bowdre

**MINUTES**

Motion by Councilmember Whatley to approve the Special Called meeting minutes held on June 4, 2105, and the regular called meeting minutes held on June 24, 2015 and July 8, 2015; seconded by Councilmember Warren; motion carried 5 - 0 & approved as presented.

**Councilmember Warren introduced a few Boy Scouts that were in the audience.**

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**ZONING**

**Z-1 Z06-15-059 TYLER BLUE RIDGE, LLC (2221, 2243, AND 2269 WEST CUMBERLAND ROAD) Request that the City Council consider an appeal of the Planning and Zoning Commission's denial of a zone change from "RPO", Restricted Professional Office District to "C-1", Light Commercial District. (WITHDRAWN)**

**Z-2 S07-15-014 IGLESIA DE DIOS JESUCRISTO (520 WEST BOW STREET) Request that the City Council consider approving a Special Use Permit to allow for the construction of a radio antenna. (O-2015-70)**

Motion by Councilmember Bowdre; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

**Z-3 Z07-15-064 5M FAMILY PARTNERS (1007, 1011, 1015, AND 1019 BENNETT AVENUE) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "M-1", Light Industrial District. (O-2015-71)**

Motion by Councilmember Bowdre; seconded by Councilmember Warren; motion carried 5 - 0 & approved as presented.

**Z-4 Z07-15-065 GENECOV INVESTMENTS, LTD (2408 EAST FRONT STREET) Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "M-1", Light Industrial District. (O-2015-72)**

**Councilmember Whatley exit**

Motion by Councilmember Warren; seconded by Councilmember Sellers; motion carried 4 - 0 - 1 & approved as presented.

**Councilmember Whatley enters**



**Z-5 Z07-15-066 RSJB PROPERTIES, LLC (2911 ROY ROAD) Request that the City Council consider approving a zone change from "PUR", Planned Unit Residential District and "PCD", Planned Commercial District to "PMF", Planned Multi-Family District with final site plan. (O-2015-73)**

**George Kienny - 2815 Roy Road** – Stated the road has not been widened and the population density is about to hit them very hard.

Motion by Councilmember Whatley to approve this site plan with the modifications to install a 8ft wood fence instead of an 6 ft. fence along Mr. Kienny property line; seconded by Councilmember Bowdre; motion carried 5 - 0 & approved as presented.

**Z-6 Z07-15-067 STEEL PROPERTY (5201 STEELE ROAD) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "AR", Adaptive Reuse District. (O-2015-74)**



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Motion by Councilmember Bowdre; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

- Z-7 C07-15-007 JAVED CORPORATION (ALLEY RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved right-of-way. (O-2015-75)**

Motion by Councilmember Sellers; seconded by Councilmember Bowdre; motion carried 5 - 0 & approved as presented.



- Z-8 Z07-15-069 JAVED CORPORATION (1702, 1704, 1706, 1716, 1718, 1720, AND 1732 SUMMIT AVENUE) Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "C-2", General Commercial District. (O-2015-76)**

Motion by Councilmember Warren to approve as C-1; seconded by Councilmember Bowdre; motion carried 5 - 0 & approved as presented.



- Z-9 Z07-15-072 CATON PROPERTY GROUP (6961 ARBOR RIDGE 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-2015-77)**

Motion by Councilmember Bowdre; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.



- Z-10 F07-15-101 M.F. TURNER ADDITION, THIRD AMENDMENT Request that the City Council consider approving a plat for a four lot subdivision containing approximately 1.88 acres of land located northwest of the intersection of Turner Avenue and Shaw Street, and a waiver of escrow estimated to be \$21,400 for street improvements to Turner Avenue. (O-2015-78)**

**Archbishop Bobby Land Jr., 927 S. Turner** – Stated that this area is overpopulated right now and this would increase traffic and criminal activity. Rev. Land stated that he would like to hear from the property owner as to what the plans are for this area, given that the interested parties are not against any progress in the area, however they want it to be the right progress.

**Jones Family Trust, LaJoyce Walters** – Stated that she understands what needs to be done in a depressed area. The vision that they have for the area is new development to beatify the area. Shaw Construction out of Longview is the contractor for the \$240,000 dollar per building construction. Mrs. Walters explained that she screened individuals for their homes and they have about 30 homes in Tyler right now, and additionally that they have a zero tolerance policy for disruptive behavior. The duplexes will be all brick, however at this point, they have not decided if the duplexes will have garages or carports. The duplexes have a small patio in the back, are about 1,300 sq. ft., and have three bedrooms and two bathrooms. The first two duplexes that will be completed will face

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Shaw Street. If those two do well, then they will place two more duplexes in that area, possibly in about five (5) years. For the first years after construction, the houses could be eligible for use in the housing program.


**Archbishop Bobby Land Jr., 927 S. Turner** – Asked if a privacy fence could be installed or if the Council could put in any specifications on installing a fence?

**LaJoyce Walters** – Stated that they were considering putting a privacy fence on the side where Rev. Land's property was located, but a decision has not been made. Ms. Walters indicated that it is their intent to install a fence there before the duplexes are built on Turner Street.

**Heather Nick, Director of Planning** – Stated that the City Council does not have the authority to add any further stipulations for the approval of a plat or a straight zoning like an R-2. The applicant does have the zoning that they need in order to develop the planned duplexes, unless a planned development is requested in the future.


Motion by Councilmember Bowdre to approve the plat and the waiver of escrow in the amount presented; seconded by Councilmember Warren; motion carried 5 - 0 & approved as presented.

**Councilmember Whatley enters**



**Z-11 F07-15-102 MCCULLARS SUBDIVISION, FOURTH AMENDMENT Request that the City Council consider approving a plat for a two lot subdivision containing approximately 0.35 acres of land located northeast of the intersection of West Jackson Street and Duckenfield Avenue, and a waiver of escrow estimated to be \$5,000 for street improvements to Duckenfield Avenue. (O-2015-79)**

Motion by Councilmember Bowdre; seconded by Councilmember Whatley; motion carried 5 - 0 & approved as presented.



**Z-12 F07-15-103 COUNTRY CLUB ESTATES, SIXTH AMENDMENT Request that the City Council consider approving a plat for a one lot subdivision containing approximately 0.21 acres of land located southwest of the intersection of West Elm Street and Vaughn Avenue, and a waiver of escrow estimated to be \$5,600 for street improvements to Vaughn Avenue. (O-2015-80)**

Motion by Councilmember Warren; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

## **PRESENTATIONS**

**P-1 Request that the City Council consider receiving a presentation from Northeast Texas Public Health District (NET Health) on the operation of the Center for Healthy Living located at 2815 Frankston Hwy (Old Fire Station 5).**

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**George Roberts, Chief Executive Office** – Gave a brief update on the Center for Healthy Living.

- P-2** Request that City Council consider receiving a presentation on an opportunity to refinance the remaining \$24,485,000 of the Water and Sewer System Series 2005 revenue bond and issue \$6,000,000 in new debt to cover regulatory compliance projects required by Texas Commission on Environmental Quality and consider authorizing the City Manager to proceed with this opportunity to refinance the Series 2005 bonds and issue new bonds to cover state regulatory water system projects.

**Steven Adams, Specialized Public Finance** – Gave a presentation on an opportunity to refinance the remaining \$24,485,000 of the Water and Sewer System Series 2005 revenue bond and issue \$6,000,000 in new debt to cover regulatory compliance projects required by Texas Commission on Environmental Quality.

### **MISCELLANEOUS**



- M-1** Request that the City Council consider authorizing the City Manager to award the construction contract for the animal care facility to the lowest and most qualified bidder, TMV, LLC., in the amount of \$2,864,220, and authorize \$300,000 in direct costs.

Motion by Councilmember Warren; seconded by Councilmember Bowdre; motion carried 5 - 0 & approved as presented.

- M-2** Request that the City Council consider reviewing the Revenue and Expenditure Report for the quarter ending June 30, 2015.

### **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 authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with The Woods Garden Club Home Owners Association (HOA) for the purpose of installing and maintaining a subdivision monument sign in the City of Tyler right-of-way.
- C-A-2** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 420 Ross Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2015-19)
- C-A-3** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 811 Duckenfield Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2015-20)

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- C-A-4** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1214 Connally Street within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2015-21)
- C-A-5** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2314 Boswell Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2015-22)
- C-A-6** Request that the City Council consider ratifying staff action for payment in the amount of \$135,236.38 to A.E. Shull & Company for emergency repairs to the sanitary sewer main on Buckley Avenue.
- C-A-7** Request that the City Council consider authorizing the City Manager to approve a Reconciliation Change Order and release of final payment with retainage in the amount of \$522,376.12, to Gracon Construction, Inc. for the Lake Tyler Dam Repair project.
- C-A-8** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 8 to amend the tournament usage fee to include all sports fields. (O-2015-81)
- C-A-9** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending June 30, 2015.

Motion by Councilmember Bowdre; seconded by Councilmember Whatley; motion carried 5 - 0 & approved as presented.

### **CITY MANAGER'S REPORT**

1. Texas Main Street Architect will be here Thursday to visit 5 downtown sites to offer technical service and advice.
2. Legacy Trail bicycle pedestrian trail project has made it through the first phase of TXDot review for the tap grant project
3. Scheduled the meeting for the Lake Tyler roundtable for August 19<sup>th</sup> and the Developers roundtable for August 27, 2015.
4. Updated CIP report for review.

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 10:52 am

Executive Item No. 1:

Under Section 551.072 "Real Estate" deliberation regarding the following:

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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.

**Executive Item No. 3:**

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

1. 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;
2. Pending or contemplated litigation involving EPA;

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

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

City Council reconvened from executive session at 11:27 am **with no action taken.**

**ADJOURNMENT**

Motion by Councilmember Whatley to adjourn the meeting at 11:27 am; seconded by Councilmember Bowdre; motion carried 5 - 0 & meeting adjourned.

  
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MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

**ATTEST:**

  
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CASSANDRA BRAGER, CITY CLERK

