

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 25, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 25, 2012 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Sam Mezayek
Councilmembers: Martin Heines
Donald Sanders
Mark Whatley
Ralph Caraway
Jason Wright

City Manager: Mark McDaniel
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Main Street Director: Beverly Abell
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
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: Dan Brotton
Budget/Internal Auditor: Keidric Trimble
City Planner: Heather Nick
Managing Director for Utilities/Public
Works and Utilities: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

MINUTES

Motion by Mayor Pro Tem Mezayek to approve the April 11, 2012 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

PRESENTATIONS

P-1 Request that the City Council consider hearing a brief presentation regarding the awarding of the 5th reaccreditation of the Tyler Police Department.

Chief Swindle gave a brief presentation regarding the awarding of the 5th reaccreditation of the Tyler Police Department.

ZONING

Z-1 APPLICATION Z02-12-010 ENRIQUE VALLE (600 WEST FRONT STREET)

Request that the City Council consider approving a zone change from “DBAC”, Downtown Business, Arts and Culture District to “PCD”, Planned Commercial Development District with site development plan approval. (O-2012-30)

Motion by Councilmember Sanders; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented.

Z-2 Z04-12-021 GRACE WILLIAMS TRUST (5304 OLD BULLARD ROAD)

Request that the City Council consider approving a zone change from “RPO”, Restricted Professional Office District to “C-1”, Light Commercial District. (O-2012-31)

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



Z-3 Z04-12-022 DIVERSIFIED HORIZON (1002-1007, 1009, 1011-1017, 1019, 1021, 1023, 1025-1031, 1033-1035, 1037-1038, 1101, 1103-1105, 1107-1109, 1111-1116 CANNON COURT AND 805 WEST GENTRY PARKWAY)

Request that the City Council approve a zone change from “PUR”, Planned Unit Residential District to “R-MF”, Residential Multi-Family District. (O-2012-32)

Motion by Councilmember Sanders; seconded by Councilmember Caraway; motion carried 7 - 0 & approved as presented.



Z-4 Z04-12-023 JOSE A. TERRAZAS (2530 GLASS AVENUE)

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-2012-33)

Motion by Councilmember Caraway; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

Z-5 APPLICATION Z04-12-024 HAMILTON COMMONS (421 WEST CUMBERLAND ROAD)

Request that the City Council consider approving a site plan amendment for property zoned “PMF”, Planned Multi-Family District. (O-2012-36) Mayor Po Tem Mezayek abstain

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

Z-6 APPLICATION Z04-12-025 MEZAYEK BUILDING, LTD (8337 LAKEWAY DRIVE)

Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “AR”, Adaptive Reuse District. (O-2012-) Mayor Po Tem Mezayek abstain (O-2012-37)

April 25, 2012

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



- Z-7 Z04-12-026 DANNY PARSONS (414 EAST RIX 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-2012-34)

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



- Z-8 Z04-12-018 JOSE RAMIREZ (2809 NORTH GRAND AVENUE)**
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-2012-35)

Motion by Councilmember Caraway; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

ORDINANCE



- O-1 Request that the City Council consider adopting an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to zoning districts, use regulations, subdivision design and improvements, development standards, development approval procedures, and definitions. (O-2012-38)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a new Commercial Airline Lease Renewal with Colgan Air, Inc., for the period March 1, 2012, through February 28, 2014. ©**

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

- M-2 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending March 31, 2012.**

Daniel Crawford retire at the end of May 2012, Keidric Trimble serve as Interim CFO.

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 for City Council to consider authorizing the City Manager to sign a "Letter of Engagement for Professional Audit Services" with Henry & Peters PC to perform the Fiscal Year 2011-2012 Annual Audit. ©
- C-A-2** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending March 31, 2012.
- C-A-3** Request that the City Council consider authorizing the City Manager to execute a new amendment to the First Right to Purchase Option between Genecov Investments, LTD. and the City of Tyler for a 20 acre tract located adjacent to Tyler Pounds Regional Airport. ©
- C-A-4** Request that the City Council consider approving a request from Republic Services to increase the Greenwood Farms Landfill posted gate rate from \$7.00 per cubic yard to \$7.50 per cubic yard.
- C-A-5** Request that the City Council consider authorizing the City Manager to award the replacement of five windows at the Tyler Pounds Regional Airport Air Traffic Control Tower by Terrell Glass and Mirror in the amount of \$41,000.

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

CITY MANAGER'S REPORT

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:44 am.

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

- under section 551.071 "Litigation" deliberation regarding the following:

Possible or contemplated litigation involving dual certification for Tyler from the TCEQ involving TTUC (Algonquin);

Possible or contemplated litigation relating to Water rights issues and the TCEQ;

April 25, 2012

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

- under section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to prospects and to consider financial and other information about those prospects/projects with which the City is conducting economic development negotiations that could lead to a partnership in Tyler

City Council reconvened from executive session at 10:04 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:05 am; seconded by Mayor Pro Tem Mezayek; motion carried 7 - 0 & meeting adjourned.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

