

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 25, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 25, 2013 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:	Barbara Bass
Mayor Pro Tem:	Martin Heines
Councilmembers:	Mark Whatley Darryl Bowdre Sam Mezayek Edward Moore John Nix

City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Attorney of Counsel:	Gary C. Landers
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Lean Sigma Black belt:	Guillermo Garcia
Main Street Director:	Beverly Abell
Managing Director for Administration:	ReNissa Wade
Manager for Organizational Development:	Kristi Boyett
Development Services Engineer:	Michael Wilson
Neighborhood Services Manager:	Brenda Johnson
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
City Fire Chief:	Tim Johnson
City Librarian:	Mary Vernau
Code Enforcement Manager:	Chris Lennon
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
MPO Executive Director/Transit Director:	Barbara Holly
Internal Auditor:	Jon Grundy
Solid Waste Director:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Senior Public Relations Specialist:	Serena Butcher
City Planner:	Heather Nick
Water Quality and Production Manager:	Jimmie Johnson
Water Business Office Manager:	Jim Yanker

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Municipal Court Administrator:	Cam McCabe
Managing Director for Utilities/Public	
Works and Utilities:	Greg Morgan
Street Department Manager:	Robin Smart
Traffic Engineer:	Peter Eng
City Clerk:	Cassandra Brager

## INVOCATION

The Invocation was given by Councilmember Bowdre.

## MINUTES

Motion by Councilmember Whatley to approve the September 11, 2013 minutes; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

## EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

### **A-1 Blue Print 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.**

**Guillermo Garcia, Lean Sigma Black belt** – Presented Armando Chavez with the City of Tyler's Blue Print Award for placing the highest premium on responsiveness to citizens' needs.

## ZONING

### **Z-1 Z09-13-058 MEZAYEK BUILDING, LTD (6127 NEW COPELAND ROAD)**

**Request that the City Council consider approving a zone change from "C-1", Light Commercial District and "AG", Agricultural District to "R-1D", Single-Family Detached and Attached Residential District. (O-2013-78)**

**Charles Schwarz, 732 Sutherland** – Stated that some of the citizens in the community feel like they have received several items which were of greatest concerns and will be supporting this project.

**James Hobbs, 717 Bentley Ct.** – Stated that the neighborhood is very accepting to what has been negotiated the last two weeks. Mr. Hobbs also thanked Councilmember Nix and Councilmember Mezayek for all the hard work they have put into this project.

Motion by Councilmember Nix to approve Z-1 as a PMF with the attached site plan restricting all uses to R-1-D or more restricted as stated in the site plan; seconded by Councilmember Whatley; motion carried 6 -0-1 & approved as presented.

**Z-2 Z09-13-052 LLOYD NICHOLS (1414 AND 1416 GOLDEN ROAD)**  
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District. (O-2013-79)

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

**Z-3 Z09-13-053 TYLER INDEPENDENT SCHOOL DISTRICT (1200 SOUTH TIPTON AVENUE)**  
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “INT”, Institutional District. (O-2013-80)

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

**Z-4 Z09-13-056 TYLER INDEPENDENT SCHOOL DISTRICT (2521 WEST FRONT STREET)**  
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “C-1”, Light Commercial District. (O-2013-81)

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

**Z-5 C09-13-004 GENCORE, LLC (RIECK ROAD)**  
Request that the City Council consider closing an unimproved portion of Rieck Road beginning at the intersection of Rieck Road and Eagles Nest Boulevard and continuing west approximately 400 feet. (O-2013-82)

Motion by Councilmember Nix to approve Z-5 contingent on access being granted at future platting of this piece of property to lot 8, the land locked property; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

**Z-6 Z09-13-057 SALEH DEVELOPMENT, LTD**  
Request that the City Council consider approving a “PUR”, Planned Unit Residential District site plan amendment. (O-2013-83)

**Randy Eskelson, 2003 Silver Cove, Whitehouse** – Requested that either 1) item be tabled to allow time for staff consideration of access concerns he has regarding property he owns south of the subject property, or 2) that access be required from subject property being considered for a site plan amendment.

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**Heather Nix** – Stated that Mr. Eskelson's access concerns were not the result of any action taken by the City of Tyler, and therefore cannot be resolved by staff action/recommendation.

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

**Z-7 Z09-13-059 WERNER-TAYLOR LAND AND DEVELOPMENT (NORTH INTERSECTION OF CROSSWATER AND CROSS ROAD)**

**Request that the City Council consider approving a final site plan for property zoned "PUR", Planned Unit Residential District. (O-2013-84)**

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

**Z-8 Z09-13-060 BARRY ROBINSON (1308 CARLYLE AVENUE)**

**Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2013-85)**

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

**Z-9 Z09-13-061 GLORY DEVELOPMENT CORPORATION (504 AND 506 EAST VANCE STREET)**

**Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2013-86)**

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

**Z-10 Z09-13-055 MARK PATEL (2552 AND 2662 SOUTH SOUTHEAST LOOP 323)**

**Request that the City Council consider approving a "PCD", Planned Commercial District site plan amendment. (O-2013-87)**

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

**ORDINANCE**

**O-1 Request that the City Council consider adopting the Fiscal Year 2013-2014 proposed budget ordinance, Fiscal Year 2012-13 budget amendments, and authorize the City Manager to execute the outside agency contracts for Fiscal Year 2013-2014. (O-2013-88)**

Motion by Councilmember Whatley to approve the proposed fiscal year 2013-2014 annual budget ordinance, Fiscal Year 2012-13 budget amendments, and authorize the City Manager

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to execute the outside agency contracts for Fiscal Year 2013-2014; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Bowdre to approve to ratify the property tax increase reflected in the budget; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

**O-2 Request that the City Council consider adopting the property tax rate ordinance of \$220000 cents for Fiscal Year 2013-2014. (O-2013-89)**

Motion by Councilmember Bowdre that the property tax rate be increased by the adoption of a tax rate of \$.220000 cents per 100 dollar of appraised value, which is effectively a 7.2 percent increase in the tax rate; seconded by Councilmember Mezayek;

Councilmember John Nix - Aye  
Councilmember Darryl Bowdre - Aye  
Councilmember Mark Whatley - Aye  
Mayor Barbara Bass - Aye  
Councilmember Martin Heines - Aye  
Councilmember Sam Mezayek - Aye  
~~Councilmember Edward Moore - Aye~~  
motion carried: 7 - 0 & approved as presented.

**O-3 Request that the City Council consider adopting an Ordinance amending, clarifying and updating Tyler City Code Chapter 4 relating to Burglary and Alarm provision, Chapter 8 related to Parks for fee adjustment regarding Glass Recreation Center memberships, Chapter 9 of Library code for miscellaneous fees, Chapter 10, Tyler Unified Development Code related to Historic Marker fees, and Chapter 19 of Utilities Code related to sewer rate increases. (O-2013-90)**

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

**MISCELLANEOUS**

**M-1 Request that the City Council consider approving the Excess Workers Compensation and Third Party Claim Administration contract for the City of Tyler for fiscal year 2013-2014 with two one-year renewal options.**

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

**M-2 Request that the City Council consider approving the Property and Casualty Insurance and Third Party Claim Administration contract for the City of Tyler for fiscal year 2013-2014 with two 1 year renewal options.**

Motion by Councilmember Mezayek; seconded by Councilmember Nix; motion carried 7

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- 0 & approved as presented.

**M-3 Request that the City Council consider authorizing the City Manager to advertise for bids for an Oil and Gas Lease of four (4) land tracts totaling 53.2931 mineral acres owned by the City of Tyler.**

**Loren Bennett, 7501 Pine Hill Cove** – Stated that the company he represents, Skylar Exploration, is requesting to propose a drilling lease on the portion of Tract 2 where the City does not own the surface estate and a non-drilling lease on the remainder of Tract 2 and Tracts 1,3, and 4 where the City does own the surface estate.

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

**M-4 Request that the City Council consider authorizing the City Manager to award a construction contract for the Loop 323 Utility Relocation project to Doughtie Construction, in the amount of \$454,816.50.**

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

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## **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 City Council consider ratifying Texas Department of Transportation (TxDOT) project Grant Agreement ED 1405 in the amount of \$99,208 for Fiscal Year 2014.**

**C-A-2 Request that the City Council consider approving a Reconciliation Change Order and approving the final payment and release of retainage, in the amount of \$23,437, to AAA Sanitation, Inc. for construction of the Distant Lands Sewer Extension project.**

**C-A-3 Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the listed vendors for the fiscal year beginning October 1, 2013.**

**C-A-4 Request that the City Council consider authorizing the City Manager to extend the various annual price agreements for office supplies, office furniture and equipment, copy paper and uniform / floor mat rental for the fiscal year beginning October 1, 2013**

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**C-A-5** Request that the City Council consider authorizing the City Manager to award the various annual price agreements for pipe, fittings and water meter boxes and lids for the fiscal year beginning October 1, 2013.

**C-A-6** Request that the City Council consider awarding bids opened August 27, 2013, for the purchase of various annual chemical price agreements for chemicals to the listed vendors for the fiscal year beginning October 1, 2013.

**C-A-7** Request that the City Council consider authorizing the 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-8** Request that the City Council consider authorizing the 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 2013-2014.

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

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

1. Next City council meeting October 2, 2013 instead of October 9, 2013
2. Thanked City Council for their support on the budget.

#### **RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 10:30 am

1. 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.

2. 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.

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

City Council reconvened from executive session at 10:40 with no action taken.

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**ADJOURNMENT**

Motion by Mayor Pro Tem Heines to adjourn the meeting at 10:41 a.m.; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

*Barbara Bass*  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK

