

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 22, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 22, 2014 at 9:00 a.m. in the City Council Chambers, 2nd 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
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Code Enforcement Manager: Chris Lennon
Managing Director for Public Safety
& Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
Director of Solid Waste: Russ Jackson
Senior Public Relations Specialist: Serena Butcher
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 Rabbi Neal Katz Congregation Beth El

MINUTES

Motion by Councilmember Mezayek to approve the January 8, 2014 minutes; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

ZONING

**Z-1 Z12-13-010 MEADOW PLAZA, LLC (300 NORTH HILL AVENUE)
Request that the City Council consider approving a zone change from "M-1", Light Industrial District, to "C-1", Light Commercial District. (O-2014-1)**

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

- Z-2 Z12-13-011 MEADOW PLAZA, LLC (307 NORTH GLENWOOD BOULEVARD)**
Request that the City Council consider approving a zone change from "M-1", Light Industrial District, to "C-1", Light Commercial District. (O-2014-2)

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

- Z-3 Z12-13-012 CLEO MOORE (2912 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-2014-3)

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

- Z-4 Z01-14-013 LLOYD THOMPSON (1307 and 1309 BUTLER 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-2014-4)

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

- Z-5 APPLICATION S12-13-004 BRET BERRY (4914 HIGHTECH DRIVE)**
Request that the City Council consider approving a Special Use Permit to allow for the development of a 150 feet tall telecommunications tower for an indefinite period of time. (O-2014-5)

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

- Z-6 APPLICATION S12-13-003 JONESBORO INSURANCE AGENCY (2626 SMITH STREET) (O-2014-6)**
Request that the City Council consider approving a Special Use Permit to allow for the development of a 150 feet tall telecommunications tower for an indefinite period of time.

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

- Z-7 APPLICATION S01-14-005 RONALD RIGGS (2612 AND 2616 MCDONALD ROAD)**
Request that the City Council consider approving a Special Use Permit to allow for the development of a 150 feet tall telecommunications tower for an indefinite period of time. (O-2014-7)

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

- Z-8 F01-14-028 THE COMMONS ON CR 215 ADDITION, FINAL PLAT**
Request that the City Council consider approving a plat for a four lot subdivision containing approximately 3.00 acres of land located south of the southwest intersection of County Road 215 and U.S. Highway 64 East, and a waiver of \$87,647 in escrow for street improvements.

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

ORDINANCE

- O-1 ZA12-13-001 TYLER UNIFIED DEVELOPMENT CODE**
Request that the City Council consider approving an ordinance amending the Tyler Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to zoning districts, environmental regulations, administration and enforcement, historical preservation board membership, fees and definitions.
(O-2014-8)

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

- O-2 ZA12-13-002 TYLER UNIFIED DEVELOPMENT CODE**
Request that the City Council consider adopting an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 1993 is part of the City. (O-2014-9)

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

MISCELLANEOUS

- M-1** Request that the City Council consider authorizing the City Manager to award new Auto Rental Leases to the firms of Checker Leasing, Inc., dba Avis Rent A Car and Budget Rent A Car; EAN Holdings, LLC, dba National Car Rental and Enterprise Rent-A-Car; and the Hertz Corporation, dba Hertz and Thrifty, for the operation of rental car concessions at Tyler Pounds Regional Airport.

Motion by Councilmember Nix; seconded by Councilmember Whatley; 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 that the City Council consider adopting an ordinance amending Tyler City Code Chapter 18 “Code Enforcement”, relating to requirements for maintenance of fences and walls; designating the Police Chief as lead authority and removing references to the Solid Waste Director in Articles I. and IV.; adding filing fees to the list of costs association with code enforcement liens filed per Article II.; and adding “mowing” liens to the list of those which may accumulate annual interest when left unpaid in Art. II. (O-2014-10)
- C-A-2** Request that the City Council consider approving the reconciliation change order and releasing final retainage to Reynolds & Kay LTD, for the Guinn Farms Addition - Pavement Rehabilitation project.
- C-A-3** Request that the City Council consider authorizing the City Manager to execute a Settlement Agreement between the City of Tyler and East Smith County Sewer Service and Water Supply Corporation, related to a Certificate of Public Convenience and Necessity application.

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

CITY MANAGER’S REPORT

- 1. Half Cent Sales Board projects**
- 2. Performance Excellence progress status update**
- 3. Heart of Tyler annual meeting update.**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:30 am.

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:

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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 9:45 am with no action taken.

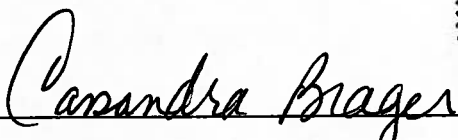
ADJOURNMENT

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented; meeting adjourned at 9:45 am.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK