

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 28, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 28, 2014 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Martin Heines
Mayor Pro Tem:	Darryl Bowdre
Councilmembers:	Mark Whatley Sam Mezayek Edward Moore John Nix Don Warren
City Manager:	Mark McDaniel
Asst. City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Director for Innovation:	Guillermo Garcia
Managing Director for Administration:	ReNissa Wade
Chief Information Officer:	Benny Yazdanpanahi
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
Internal Auditor:	Jon Grundy
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 Councilmember Bowdre.

MINUTES

Motion by Councilmember Moore to approve the May 14, 2014 and May 21, 2014 minutes; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

ZONING

Z-1 Z08-13-043 DAWN AND JIM CLARK (3030 OLD JACKSONVILLE HIGHWAY)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District, to "AR", Adaptive Reuse District. (Withdrew)

Motion by Councilmember Mezayek to un-table item Z-1; seconded by Councilmember Whatley; motion carried 7 - 0 & item un-tabled. Item was then withdrawn from consideration by the Applicant.

Z-2 S05-14-011 CHILDREN ARE A GIFT FOUNDATION (110 EAST DOBBS STREET)
Request that the City Council consider recommending approving a Special Use Permit to allow for the operation of a special event and visitors center for an indefinite period of time. (O-2014-36)

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

Z-3 Z05-14-033 DLM & CEC REAL ESTATE (815 NORTH BOIS D'ARC AVENUE)
Request that the City Council consider approving a zone change from "C-1", Light Commercial District, to "R-1B", Single-Family Residential District. (O-2014-37)

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

Z-4 Z05-14-036 JAMES BARNETT AND KS INTERESTS (7925 SOUTH BROADWAY AVENUE)
Request that the City Council consider approving a "PCD", Planned Commercial Development District site plan amendment. (O-2014-38)

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

Z-5 Z05-14-037 FRONT PORCH PROPERTIES, LP (612 SOUTH COLLEGE AVENUE AND 209 WEST CHARNWOOD STREET)
Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District, and "R-2", Two-Family Residential District, to "R-1D", Single-Family Detached and Attached Residential District. (O-2014-39)

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

Z-6 Z05-14-038 MANUEL HERNANDEZ (1305 AUGUSTA 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-2014-40)

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

Z-7 Z05-14-039 MARK PATEL (2552 SOUTH SOUTHEAST LOOP 323)
Request that the City Council consider approving a "PCD", Planned Commercial

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Development District site plan amendment. (O-2014-41)

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

Z-8 Z05-14-040 JUAN BANDA (224 SOUTH FAIRMONT 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-2014-42)

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

Z-9 Z05-14-041 HEMLATA LLC (2105 OLD TROUP HIGHWAY)

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-2014-43)

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

Z-10 Z05-14-042 TEXAS BANK AND TRUST (4338-4398, 4356-4381 MADERA DRIVE)

Request that the City Council consider approving a “PUR”, Planned Unit Residential District site plan amendment. (O-2014-44)

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

Z-11 Z05-14-034 DORA MIRANDA (1408 TENNEHA 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-2014-45)

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

Z-12 Z05-14-035 SAM GREENBERG (221 McMURREY DRIVE)

Request that the City Council consider approving a zone change from “C-2”, General Commercial District, to “M-1”, Light Industrial District. (O-2014-46)

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

RESOLUTION

R-1 Request that the City Council adopt a Resolution denying the Atmos Energy Corp. Mid-Tex Division rate increase filing requested under the 2014 annual Rate Review Mechanism and requiring the Company to reimburse the City’s reasonable ratemaking expenses. (R-2014-13)

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

R-2 Request that the City Council consider adopting a resolution suspending the May 30, 2014 effective date of the CenterPoint Gas East Texas Division interim Gas Reliability Infrastructure Program (GRIP) rate adjustments and requiring delivery of this resolution to CenterPoint and legal counsel. (R-2014-14)

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

R-3 Request that the City Council authorize the City Manager to apply for a grant from Texas Parks and Wildlife Department by approving the Resolution supporting the grant. (R-2014-15)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to award the construction contract for the Rice/Shiloh Roadway Improvements Project in the amount of \$995,583.65 to Reynolds and Kay, LTD.

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

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 staff action for the approval of payments in the amount of \$136,517.42 for the emergency repair of a 10-inch sanitary sewer main located at the intersection of Beckham Avenue and Erwin Street.

C-A-2 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2014 Sidewalk Improvements Project in the amount of \$49,669.00 to Reynolds and Kay, LTD.

C-A-3 Request that the City Council consider ratifying staff action to execute a short-term lease with Lake Tyler Marina Resort for the operation of the Lake Tyler Marina.

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making an appointment to the Planning Commission.

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

CITY MANAGER'S REPORT

1. Update on the Half Cent Sales Tax board projects and no changes to the Half Cent Sales Tax board.
2. Review briefly of budget calendar - budget will be submitted to City Council in August

RECESS FOR EXECUTIVE SESSION - No executive session needed

Executive Item No. 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.

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 9:47 am; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.

Martin Heines
MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

