

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 25, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 25, 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 |
| Asst. City Attorney: | Sharon Roberts |
| Director for Innovation: | Guillermo Garcia |
| Manager for Organizational Development: | Kristi Boyett |
| 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 |
| Transit Manager: | Heather Bolestridge |
| Director of Solid Waste: | Russ Jackson |
| Vehicle/Equipment Services Manager: | Leroy Sparrow |
| Senior Public Relations Specialist: | Serena Butcher |
| Director of Planning: | Heather Nick |
| Managing Director for Utilities/Public Works and Utilities: | Greg Morgan |
| Traffic Engineer: | Peter Eng |
| City Clerk: | Cassandra Brager |

Mayor for the Day – Sofie Williams

INVOCATION

The Invocation was given by Councilmember Moore

MINUTES

Motion by Councilmember Whatley to approve the June 11, 2014 minutes; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 Z06-14-044 DYNAMIC PROPERTIES, LTD. (1101 WEST PAUL STREET)
Request that the City Council consider approving a zone change from “R-MF”, Multifamily Residential District, to “R-1B”, Single-Family Residential District. (O-2014-48)

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

Z-2 Z06-14-045 JUAN MARTINEZ (1312 WEST CONNALLY 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-2014-49)

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

Z-3 Z06-14-046 SOUTHEAST TEXAS CLASSIC REAL ESTATE (3221 PROFESSIONAL DRIVE)
Request that the City Council consider approving a zone change from “C-1”, Light Commercial District, to “C-2”, General Commercial District. (O-2014-50)

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

Z-4 Z06-14-047 DOWN SOUTH ENTERPRISES (2500 OLD KILGORE HIGHWAY)
Request that the City Council consider approving a zone change from “C-1”, Light Commercial District, and “C-2”, General Commercial District, to “M-1”, Light Industrial District. (O-2014-51) Councilmember Whatley exits, does not participate in the discussion or vote.

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

Councilmember Whatley enters.

Z-5 Z06-14-048 ELAM SWANN (8225 SOUTH BROADWAY AVENUE)
Request that the City Council consider approving a “PMXD-1”, Planned Mixed Use District Development District final site plan. (O-2014-52)

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

PRESENTATIONS

P-1 Request that the City Council consider receiving a presentation proclaiming Tyler a Purple Heart City.

June 25, 2014

Mayor Heines read a proclamation proclaiming Tyler as a "Purple Heart City".

ORDINANCE



O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 17 to revise certain parking meter fees, to establish an exception for Good Friday to the parking meter fees, and to establish parking rates for the downtown Fair Plaza Parking Garage, with exceptions. (O-2014-53)

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

O-2 Request that the City Council consider amending Tyler City Code Chapter 19, "Utilities", Article X, with an updated Five-Year Water Conservation and Emergency Demand Management Plan. (O-2014-54)

Motion by Councilmember Mezayek; 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 execute a commercial lease agreement with Del and Terri Waggener d/b/a Lake Tyler Marina Resort for the long-term operation of the Lake Tyler Marina.

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

M-2 Request that the City Council consider authorizing the City Manager to approve and execute a contract with SunGard Public Sector for the purchase of Cognos Business Intelligence software in the amount of \$143,934.

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

M-3 Request that the City Council consider approving a request from Republic Services to increase the Greenwood Farms Landfill posted gate rate from \$7.50 per cubic yard to \$8.25 per cubic yard and establish a special charged Shingle/Roofing rate up to \$12.00 per cubic yard.

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Mezayek; 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.)

June 25, 2014

C-A-1 Request that the City Council consider adopting a Resolution authorizing continued participation with the Atmos Cities Steering Committee and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. (R-2014-17)

C-A-2 Request that the City Council consider a Resolution to authorize continued participation with the Steering Committee of Cities Served by Oncor and authorizing the payment of 11 cents per capita to the Steering Committee. (R-2014-18)

C-A-3 Request that the City Council consider authorizing the City Manager to execute Work Order No. 5 in the amount of \$32,465 to Schaumburg & Polk, Inc. for additional Resident Project Representative Services during construction of the Baxter Street Sewer Replacement project.

C-A-4 Request that the City Council consider authorizing the City Manager to sell one City surplus Fire Ladder truck to the Smith County Fire District for the total amount of \$75,000.

C-A-5 Request that the City Council consider awarding Bid No. 14-026 to furnish all necessary material, equipment, superintendence, and labor for the Rose Garden Center flooring to Texas Crete of Tyler, Texas in the amount of \$48,000.

C-A-6 Request that the City Council consider adopting a Resolution authorizing the City Manager to execute multiple use agreements with the Texas Department of Transportation for the use of a box culvert under South Broadway Avenue for a public hike and bike trail, public gateway signage on highway rights-of-way, and Tyler transit bus stops on highway rights-of-way. (R-2014-19)

C-A-7 Request that the City Council consider authorizing the City Manager to execute Amendment No. 3 to Work Order No. 1, in the amount of \$30,560, to Johnson & Pace for additional Resident Project Representative Services during construction of the Loop 323 Utility Relocation project.

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

CITY MANAGER'S REPORT

1. Parking garage rates will become effective in September and same with meters.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:56 am

June 25, 2014

Executive Item No. 1:

Under section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation involving TTUC (Algonquin) and enforcement of City Right-of-Way use; 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.

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 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 10:25 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:25 am; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented

