

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
July 23, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 23, 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
Airport Manager:	Davis Dickson
Director for Innovation:	Guillermo Garcia
Managing Director for Administration:	ReNissa Wade
Neighborhood Services Manager:	Brenda Johnson
Chief Financial Officer:	Keidric Trimble
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
Water Business Office Manager:	Jim Yanker
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Whatley.

Mayor for the Day – Caleb Bowers

MINUTES

Motion by Councilmember Whatley to approve the July 9, 2014 minutes; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & approved as presented

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Request that the City Council consider accepting the “2014 Award of Merit” from the National Association of Volunteer Programs in Local Government for the City of Tyler’s Volunteer Tyler program.

ReNissa Wade, Managing Director for Administration - Stated that the Award of Merit was created by the NAVPLG board to honor volunteer administrators or programs of a city, county, township or other local government entity in the United States for innovation, length and breadth of service or outstanding achievement.

A-2 Request that the City Council accept presentation of an award given by the Texas City Management Association (TCMA).

Michael Land, City of Coppell – Presented the “City Council of the Year Award” from the Texas City Management Association (TCMA) for their continued commitment to ethics, prudent financial management, their support for employee professional development, focus on positive community relations and unique community initiatives.

ZONING

Z-1 C07-14-002 TEXAS COLLEGE (ALLEY RIGHTS-OF-WAY)

Request that the City Council consider closing two unimproved alley rights-of-way; a 20 feet wide alley beginning south of the southeast corner of North Gaston Avenue and West Martin Luther King, Jr. Boulevard and continuing east approximately 290 feet to North Englewood Avenue and a 12 feet wide alley beginning at the midpoint of the aforementioned 20 feet wide alley and extending approximately 390 feet south to West Nutbush Street. (O-2014-55)

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

Z-2 C07-14-003 GENCORE, LLC (PORTION OF EAGLE’S NEST BOULEVARD)

Request that the City Council consider closing a portion of Eagle’s Nest Boulevard right-of-way. A portion beginning at the northwest corner of Paluxy Drive and Eagle’s Nest Boulevard and extending to a point approximately 30 feet north and then 293 feet southwest to a point adjacent to Eagle’s Nest Boulevard. (O-2014-56)

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

Z-3 S07-14-012 YOLO PROPERTIES (5201 SOUTH BROADWAY AVENUE)

Request that the City Council consider approving a Special Use Permit to allow a variance to reduce the required 300 feet distance separation from the property line of a restaurant and a public school to 59 feet in order to be eligible for a Texas Alcoholic

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Beverage Commission license to sell beer and wine for on-premise consumption. (O-2014-57)

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

Z-4 S07-14-013 REYNOLDS AND KAY, LTD (3313 WALTON 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-2014-58)

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

Z-5 Z07-14-049 REED PROPERTY MANAGEMENT (1815 KNOB HILL DRIVE)

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-2014-59)

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

Z-6 Z07-14-050 REED PROPERTY MANAGEMENT (2012 EAST LAKE STREET)

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-2014-60)

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

Z-7 Z07-14-051 BOT REAL ESTATE, LLC (4151 BRIARWOOD DRIVE, 3357 CASCADES BOULEVARD, AND 3103 CASCADES COURT)

Request that the City Council consider approving a “PMF”, Planned Multi-Family Residential District site plan amendment. (O-2014-61)

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

Z-8 Z07-14-052 THOMPSON WOOD DEVELOPMENT (706, 712, 718, 724, 732, AND 738 PATTON LANE)

Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District, to “R-1D”, Single-Family Attached and Detached Residential District, and “C-1”, Light Commercial District. (O-2014-62)

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

Z-9 Z07-14-053 DWAYNE MCALLISTER (2015 RAMEY 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-2014-63)

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

PRESENTATIONS

P-1 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending June 30, 2014.

Keidric Trimble, Chief Financial Officer – Presented the City of Tyler Revenue and Expenditure Report which compares actual revenues to date with revenues of the same period last year and actual expenditures to date with the incremental budget appropriations.

P-2 Request that the City Council consider receiving a presentation regarding Fire Station planning for future facilities.

Marty Lawrence, Fire Captain – Stated that as part of the Lean Six Sigma initiative, and utilizing Lean Six Sigma methodology, a study was conducted concerning fire station locations in the City of Tyler. Due to growth in the Cumberland Gap area, the need exists for a new Fire Station 11 at the corner of Cumberland Road and Cherry Hill Drive. Construction of this station will enhance the response capability of the Tyler Fire Department to this area. The analysis also addressed the need to replace some of the City's oldest and outdated fire stations by consolidating Fire Stations 1 and 4, and building new Fire Station 1 to be relocated to Gentry Parkway and Palace Avenue.

MISCELLANEOUS

M-1 Request that the City Council consider adopting the One-Half Cent Sales Tax Corporation 2014-2015 Annual Work Program for capital improvement projects.

Larry Meckley, 401 Sutherland – Stated that he would like to challenge the ranking of some of these projects and asked City Council to postpone the voting on this item.

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

M-2 Request that the City Council consider adopting the One-Half Cent Sales Tax Corporation 2014-2015 Corporate Budget in conjunction with the 2014-2015 Annual Work Program.

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



M-3 Request that the City Council consider authorizing the City Manager to award a Parking Management Contract bid to ABM Parking Services to provide parking management services for the Fair Plaza Garage.

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

M-4 Request that the City Council consider approving an Ordinance adopting the Community Development Block Grant (CDBG) and HOME Programs FY 2014-2015 Annual Plan. (O-2014-64)

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

M-5 Request that the City Council consider authorizing 3-D seismic surveying that will be performed on behalf of Sklar Exploration and Breckenridge Exploration Co., Inc. for oil and gas exploration across the right of way and property owned by the City of Tyler. Councilmember Mezayek exits City Council Chambers.

Carter Delleney, City Engineer – Stated that on November 13, 2013, Council awarded a bid to Sklar Exploration for an oil and gas lease on tracts covering a total surface area of 55.0862 acres, located in and adjacent to Tyler City limits.

Mayor Heines asked that the City Attorney look into the bond agreement and make sure that it is extended to a 2 year agreement.

Motion by Councilmember Whatley; seconded by Councilmember Moore; motion carried 5 – 1-1 & approved as presented. Mayor Heines opposed. Councilmember Mezayek enters Council Chambers.

M-6 Request that the City Council authorize the City Manager to apply for a grant from Texas Veterans Commission. (item pulled)

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 authorizing the City Manager to execute an engineering services contract with The Brannon Corporation and execute Work Order No. 1 in the amount of \$37,000 for the South Paluxy and East Grande Sewer Line Extensions project.

C-A-2 Request that the City Council consider authorizing the City Manager to sign a professional services agreement with Adams Consulting Engineers in the



amount of \$30,700 for the development of an Emergency Action Plan and an Operation and Maintenance manual for the proposed water feature dam at the proposed site of the hotel conference center.

C-A-3 Request that the City Council consider approving the reconciliation change order and releasing final retainage to Hartbeat Construction for the 2012 Citywide Sidewalk Improvements Project, Contract C.

 **C-A-4** Request that the City Council consider authorizing the City Manager to execute an Affiliate Agreement with Priceline Partner Network Limited (PPN) as a website service provider for website visitors to search and book travel from the airport website.

C-A-5 Request that the City Council ratify staff action for the emergency replacement of a chiller at City Hall by Aire-Serv of Smith County in the amount of \$54,306.

C-A-6 Request that the City Council consider awarding bid number 14-029, opened July 8, 2014 for five (5) self-contained 35 yard trash compactors for a monthly lease purchase price of \$1,971.19 per month, with a \$1.00 buyout at the end of the sixty (60) month lease, to Kee Service Company of Cedar Hill, Texas.

C-A-7 Request that the City Council consider declaring certain City of Tyler vehicles, equipment, and miscellaneous items as surplus and authorize for auction.

C-A-8 Request that the City Council consider authorizing the City Manager to utilize Rehrig Pacific Company through the Buy Board Purchasing Cooperatives for cart and dumpster purchases through the FY 2014-2015 Budget.

C-A-9 Request that the City Council consider reviewing and accepting the investment Report for the quarter ending June 30, 2014.

C-A-10 Request that the City Council consider adopting an ordinance amending the Tyler City Code Chapter 5 to adopt the City of Tyler Youth Programs Standards of Care as applicable to all City of Tyler youth programs; providing a severability clause; and establishing an effective date. (O-2014-65)

 **C-A-11** Request that the City Council consider ratifying staff action for the purchase of parking meter upgrades from Duncan Parking Technologies for the Downtown Business District.

 **C-A-12** Request that the City Council consider authorizing the City Manager to accept and enter a grant agreement with Texas Department of Transportation for the purchase of two ADA Paratransit vehicles and equipment in the amount of \$217,737.

C-A-13 Request that the City Council consider awarding bid number 14-032 to Ellis

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Timber Company for the management of timber at Forest Stewardship Tract 3, East side of Lake Tyler East.

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

CITY MANAGER'S REPORT

Audit Committee meeting after City Council meeting

RECESS FOR EXECUTIVE SESSION – City Council convened from executive session at 10:50 am.

Executive Item No. 1:

Under Tex. Gov't Code 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 Tex. Gov't Code 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.

City Council reconvened from executive session at 11:00 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 11:00 am; seconded by Councilmember Mezayek; motion carried 7 - 0 & meeting adjourned.

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



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