

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
December 10, 2014**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 10, 2014 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:	Martin Heines
Mayor Pro Tem:	Darryl Bowdre
Councilmembers:	Mark Whatley
	Sam Mezayek
	Edward Moore
	John Nix
	Don Warren
Interim City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	Sharon Roberts
Asst. City Attorney:	Terrance Garmon
Main Street Director:	Beverly Abell
Managing Director for Administration:	ReNissa Wade
Manager for Organizational Development:	Kristi Boyett
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
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 Mayor Pro Tem Bowdre.

**MINUTES**

Motion by Councilmember Mezayek to approve the November 12, 2014, November 18, 2014 special called and November 21, 2014 special called minutes; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 Service Awards**

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We would like to recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. These employees represent more than **280 years** of service with the City of Tyler.

**Service Awards**

<b>DATE OF HIRE:</b>	<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>	<b>YEARS OF SERVICE:</b>
10/1/1994	Mamie	Johnson	Custodian	Parks	20
12/1/1994	Gregory	Morgan	Director of Utilities	Utilities & Public Works	20
5/25/1989	Charles	Barber	Police Officer X	Police	25
12/21/1989	Steven	Kean	Deputy City Attorney	Legal	25
7/21/1989	Juan	Landeros	Groundskeeper	Parks	25
11/27/1989	Laura	Mason	Assistant Fire Marshal II	Fire	25
11/20/1989	R. Les	Schminkey	Fire District Chief I	Fire	25
11/27/1989	Joey	Wiggins	Fire District Chief IV	Fire	25
10/01/1984	Reggie	Conley	Police Officer X	Police	30
10/1/1984	Doyle	Lynch	Police Officer X	Police	30
10/1/1984	Clay	Allen	Police Officer X	Police	30

**A-2 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of November 2014. We would like to take this opportunity to welcome these new employees.

**New Employees**

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Shawn	Markmann	Animal Shelter Manager	Animal Shelter
Jimmy	White	Laborer	Code Enforcement

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Lan	Lam	Accountant	Finance
Jonathan	Brandt	Asset Analyst	GPA
Jennifer	Pittman	HR Representative	Human Resources
Samuel	Gissendanner	Laborer	Lake Tyler
Jason	Attaway	Laborer	Parks
Mayra	Gonzalez	Custodian	Parks
Paul	Ricks	Laborer - Parks Maintenance	Parks
Destin	Hudek	Data Management Specialist	Police
Jonathan	McDade	Traffic Signal Technician	Traffic
Derren	Smith	Purchasing Technician	Vehicle Services
Sarah	Elkins	Utilities Lab Analyst	Wastewater
Jenifer	Dews	Utilities Lab Analyst	Wastewater
Ronnie	Harper	Plant Laborer	Wastewater
Larry	Risvold	Laborer	Water Treatment
Bryan	Davlin	Truck Driver	Water Distribution
Eddie	Marshall	Meter Repairer	Water Distribution
Allen	Meade, III	Laborer	Water Distribution

## **ZONING**

**Z-1 Z11-14-001 VICKIE STAINBACK (3307 CHANDLER HIGHWAY)**  
Request that the City Council consider approving a zone change from "AR," Adaptive Reuse District, to "RPO," Restricted Professional Office District. (O-2014-103)

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

**Z-2 Z11-14-002 DEBRA CHRISTIAN (1006 NORTH CONFEDERATE AVENUE)**  
Request that the City Council consider approving a zone change from "C-2," General Commercial District, to "R-1B," Single-Family Residential District. (O-2014-104)

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

**Z-3 Z11-14-004 MARIA MUNOZ (124 SOUTH SAUNDERS AVENUE)**  
Request that the City Council consider approving a zone change from "R-2," Two-Family Residential District, to "R-1A," Single-Family Residential District. (O-2014-105)

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

**Z-4 Z11-14-005 BROOKSHIRE GROCERY COMPANY (8720 SOUTH BROADWAY AVENUE)**

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**Request that the City Council consider approving a "PCD," Planned Commercial Development District final site plan. (O-2014-106) (Councilmember Whatley exits)**

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

**Z-5 Z11-14-006 JALAPEÑO TREE HOLDINGS, LTD (309 WEST HERITAGE DRIVE)  
Request that the City Council consider approving a zone change from "PMXD-1," Planned Mixed-Use District, to "C-1," Light Commercial District. (O-2014-107)**

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

(Councilmember Whatley exits)

**Z-6 Z11-14-007 ELI REBICH (7200 PALUXY DRIVE)  
Request that the City Council consider approving a zone change from "PUR," Planned Unit Residential District, to "R-1A," Single-Family Residential District. (O-2014-108)**

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

**Z-7 C11-14-001 DONALD SMITH (PORTION OF GREER DRIVE)  
Request that the City Council consider the closure of a portion of Greer Drive right-of-way located approximately 60 feet north of the intersection of Elaine Drive and continuing north approximately 55 feet to the street terminus. (O-2014-109)**

**Councilmember Nix** – Asked Mr. Smith if he was committing to do a 6 foot wood privacy fence straight across the fence line?

**Donnie Smith, 1104 Elaine Dr.** – Stated, "Yes, and that it would be done within three (3) months of the plat being approved by Planning and Zoning."

**Linda Vaughn, 1105 Elaine** – Spoke against the closure of the street. If closed what rights will we have if the items start to pile up?

**Councilmember Mezayek** – Stated that if they have things stored there then they have to keep the fence up.

Motion by Councilmember Nix to close the stated portion of Greer Drive right-of-way with the added notation that the property owner making the application for said closure has agreed during this public meeting and previously to put a fence across the closure at the line where the closure meets the public right of way; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

**Z-8 Z10-14-078 JOHN THOMAS (421 SOUTH BOIS D'ARC AVENUE)**

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**Request that the City Council consider approving a zone change from "RPO," Restricted Professional Office District, to "AR," Adaptive Reuse District. (O-2014-110)**

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

## **PRESENTATIONS**

**P-1 Request that the City Council consider accepting awards presented to the City of Tyler by the Texas Downtown Association.**

**Beverly Abell, Main Street Director**- Stated that the City of Tyler was recently named winner of two prestigious awards presented at the annual conference of the Texas Downtown Association.

The President's Awards were presented to the City for the following:

- The African-American Heritage Trail for Best Marketing Project
- The Fair Plaza Garage for Best Public Improvement

In addition, Regions Bank was recognized as Downtown Business of the Year for Texas.

## **PUBLIC HEARINGS**

**H-1 Request that the City Council consider conducting a public hearing to consider adoption of an ordinance renewing the designation of Reinvestment Zone No. 6/Brookshire Grocery Company, City of Tyler, Texas for Commercial/Industrial Tax Abatement, establishing the boundaries thereof and other matters relating thereto. (O-2014-111)**

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

## **ORDINANCE**

**O-1 Request that the City Council consider approving an amendment to the Ordinance, City Code Chapter 17, allowing for mobile food vending within certain public rights-of-way as part of a one-year mobile food unit street vending pilot program. (O-2014-112)**

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

**O-2 ZA11-14-001 UNIFIED DEVELOPMENT CODE (BIANNUAL REVIEW)**  
**Request that the City Council consider approving an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to zoning districts, use regulations, development standards, and definitions related to food**

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**trucks and food truck parks, providing for certain distance requirements, and establishing a one-year pilot program. (O-2014-113)**

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

### **MISCELLANEOUS**

- M-1 Request that the City Council consider authorizing the Interim City Manager to enter into an agreement with Brown Gay Engineers Inc. for a study to review driveway placement, turn lanes (access management), speed and multi-modal considerations along the Old Jacksonville corridor for the Tyler Area Metropolitan Planning Organization in the amount of \$103,525.63.**

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

- M-2 Request that the City Council consider reviewing and accepting the unaudited Revenue and Expenditure Report for the quarter ending Sept. 30, 2014.**

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

- M-3 Request that the City Council consider authorizing the Interim City Manager to award Bid No. 15-002 for Bergfeld Park Playground Area Improvements Phase I to Land Visions Landscape, Design/Build of Tyler, Texas in the amount of \$173,592.**

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

- M-4 Request that the City Council ratify staff action regarding the expenditure of \$119,706 for Mandated Water Quality Assessment Fee to the Texas Commission on Environmental Quality.**

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

- M-5 Request that the City Council consider authorizing the Interim City Manager to execute Work Order No. 1 with Wisenbaker Fix & Associates, in the amount of \$91,000, for preliminary engineering services for the Barbara Street, Jan Street and Troup Highway Booster Pump Station project and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2014-28)**

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

- M-6 Request that the City Council consider utilizing General Services Administration (GSA) for the purchase of the project management software, e-Builder, for the City of Tyler and authorizing the Interim City Manager to expend the funds budgeted for Fiscal Year 2014-2015.**

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

- M-7 Request that the City Council consider authorizing the Interim City Manager to enter into a professional services contract with Champ Hospitality to assist the City in further pre-development activities related to the construction of a conference center/hotel, including preliminary design work and obtaining equity for the project.**

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

- M-8 Request that the City Council consider authorizing the Interim City Manager to enter into a professional services contract with GT Development, LLC. to assist the City with further pre-development activities and document negotiation, design, financing and construction of a conference center/hotel in partnership with a third party.**

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 approving a reconciliation change order and release of retainage to Reynolds and Kay, Ltd. for the 2014 Asphalt Enhancement Program.**
- C-A-2 Request that the City Council consider authorizing the Interim City Manager to execute a reconciliation change order with Reynolds and Kay, Ltd. decreasing the total contract amount by \$180,313.92 for the Taxiway Kilo Construction Project at Tyler Pounds Regional Airport.**
- C-A-3 Request that the City Council consider authorizing the Interim City Manager to execute a non-profit lease with Dixie Volunteer Fire Department.**
- C-A-4 Request that the City Council consider authorizing the Interim City Manager to execute a reconciliation change order with Reynolds and Kay, Ltd., increasing the total contract amount by \$42,315.94, for the 2011 Runway 4/22 Safety Area Improvement Project at Tyler Pounds Regional Airport.**

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- C-A-5** Request that the City Council consider authorizing the Interim City Manager to approve an amendment to the land lease between Mr. Kenneth Ray Barron and the City of Tyler to reflect the current owner, Mrs. Marla Barron, as Lessor.
- C-A-6** Request that the City Council consider ratifying staff action approving the financial participation in stream bank improvements at 5414 S. Broadway Ave. in an amount not to exceed \$48,000 to Trinity Mother Frances Hospitals and Clinics.
- C-A-7** Request that the City Council consider authorizing the Interim City Manager to sign and acknowledge a permanent right-of-way use agreement with Breedlove Properties, Inc. for the purpose of installing and maintaining various amenities in the City of Tyler right-of-way.
- C-A-8** Request that the City Council consider declaring certain City of Tyler Information Technology Department equipment as surplus and authorize for disposal.
- C-A-9** Request that the City Council consider approving an agreement authorizing donation of certain surplus playground equipment to the City of Mineola.
- C-A-10** Request that the City Council consider authorizing the Interim City Manager to approve partial acceptance and release partial retainage, in the amount of \$36,902.63, to Knight Erosion Control for the Lake Tyler Retaining Wall Improvements project.
- C-A-11** Request that the City Council consider authorizing the Interim City Manager to execute Work Order No. 1 with Wisenbaker Fix & Associates, in the amount of \$28,500, for the Lake Palestine Raw Water Pump Station Erosion Control project and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2014-29)
- C-A-12** Request that the City Council consider adopting an ordinance amending the Fiscal Year 2014-2015 Budget to provide funding to complete various CDBG, HOME and Housing Choice Voucher Program activities, construction projects, and purchases not completed by Sept. 30, 2014, as anticipated. (O-2014-114)
- C-A-13** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending Sept. 30, 2014.

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

## **BOARD APPOINTMENTS**



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**B-1 Request that the City Council consider making appointments to the Construction Board of Adjustments and Appeals, Keep Tyler Beautiful Board and the Traffic Safety Board.**

Motion by Councilmember Whatley to appoint Michael Colvin to the Construction Board of Adjustments and Appeals, Rana Walton and Sarah Wruck to the Keep Tyler Beautiful Board, and Roger Troue to the Traffic Safety Board; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

**INTERIM CITY MANAGER'S REPORT**

CIP update sent around

No executive session needed

**RECESS FOR EXECUTIVE SESSION** – No executive session needed.

**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.

**ADJOURNMENT**

Motion by Councilmember Whatley to adjourn the meeting at 11:13 am; seconded by Mayor Pro Tem Bowdre; motion carried 7 – 0.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

