

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 28, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 28 2015 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

Interim City Manager: Susan Guthrie
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Director for Innovation: Guillermo Garcia
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
Director of Solid Waste: Russ Jackson
Senior Public Relations Specialist: Serena Butcher
Director of Planning: Heather Nick
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Whatley to approve the January 14, 2015 minutes; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 S07-15-001 FIRST BAPTIST CHURCH (17002 U.S. HWY. 69 S.)

Request that the City Council consider approving a Special Use Permit to allow for the use of four temporary buildings for educational purposes for a three-year period of time. (O-2015-10)

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

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Z-2 Z01-15-018 TERRY GRAHAM INTEREST (1376 AND 1740 EARL CAMPBELL PKWY., 1711 MOSLEY ST. AND 2323 FRANKSTON HWY.)

Request that the City Council consider approving a zone change from "R-1A," Single-Family Residential District, to "C-2," General Commercial District, and "C-1," Light Commercial District. (O-2015-11)

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

Z-3 Z01-15-019 MICHAEL PATTERSON (547 AND 551 WILLIAMS CT.)

Request that the City Council consider approving a zone change from "R-MF," Multi-Family Residential District, to "AR," Adaptive Reuse District. (O-2015-12)

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

Whatley exits & abstains from discussion & vote.

Z-4 Z01-15-021 THREE R TRUSTS (8668 S. BROADWAY AVE.)

Request that the City Council consider approving a "PCD," Planned Commercial District, site plan amendment. (O-2015-13) Councilmember Whatley exits

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

Whatley re-enters.

Z-5 Z01-15-023 MINERVA GARCIA (303 N. ROSS AVE.)

Request that the City Council consider approving a zone change from "C-1," Light Commercial District, to "R-1B," Single-Family Residential District. (O-2015-14)

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

Z-6 Z01-15-024 KIDD LIVING TRUST (3656 W. GRANDE BLVD. AND 13531 U.S. HWY. 155 S.) Request that the City Council consider approving a zone change from "AG," Agricultural District, to "C-2," General Commercial District. (O-2015-15) Councilmember Whatley exits

Motion by Mayor Pro Tem Bowdre; seconded by Councilmember Mezayek; motion carried 6 - 0 - 1 & approved as presented.

Whatley re-enters.

Z-7 Z01-15-025 BROOKS INVESTMENTS AND PROPERTIES LLC (826 BUCKLEY AVE. AND 825 TUBBS ST.)

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 "PXR," Planned Mixed Residential District, with final site plan. (Item tabled)

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Motion by Councilmember Moore to table Z-7; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & item tabled.

Z-8 Z01-15-026 MCMILLIN HOLDING LLC (2389, 2773, 2349 AND 2325 CUMBERLAND RD.)

Request that the City Council consider approving a zone change from "AG," Agricultural District, and "RPO," Restricted Professional Office District, to "C-1," Light Commercial District. (O-2015-16)

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

Z-9 Z01-15-027 BEHRENS DRUG BUILDING PARTNERSHIP (3090 AND 3080 NNE LOOP 323)

Request that the City Council consider approving a zone change from "RPO," Restricted Professional Office District, to "M-1," Light Industrial District. (O-2015-17)

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

ORDINANCE

O-1 ZA01-15-002 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 Dec. 31, 1994 is part of the City. (O-2015-18)

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

O-2 Request that the City Council consider adopting an ordinance amending City Code Chapter 14 with up-to-date industry references and to add new provisions related to shelter operations including the disposition of impounded animals, liability on release of animals from impoundment and the owner's duty to redeem and pay costs of impoundment. (O-2015-19)

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

MISCELLANEOUS

M-1 Request that the City Council consider adopting a resolution authorizing the Interim City Manager to accept JAG Grant funding from the East Texas Council of Governments to fund partial salary and benefits of a gang officer position for one year. (R-2015-1)

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Motion by Councilmember Nix; seconded by Councilmember Moore; 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 utilizing the purchase, instead of the lease, option that was in Bid Number 14-029 approved by Council on July 23, 2014 from Kee Service Company of Cedar Hill, Texas.

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

BOARD APPOINTMENTS

B-1 Request that the City Council appoint the newly hired City of Tyler animal shelter manager, Shawn Markmann, to the Animal Care Advisory Board in place of Chris Lennon, code enforcement manager.

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

INTERIM CITY MANAGER'S REPORT

- 1. Introduced the Quality Texas representatives.**
- 2. City Councilmembers made comments on Interim City Manager's last City Council meeting and thanked Susan Guthrie for her service.**

RECESS FOR EXECUTIVE SESSION

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

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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 10:00 am; Councilmember Whatley made the motion to declare city owned property located at lot 30b block 7 as surplus property and authorize the City Manager to dispose of this property in accordance with the State Law by either competitive bid or public auction; Motion seconded by Councilmember Nix; motion carried 7 – 0; approved as presented.

ADJOURNMENT

Motion by Councilmember Mezayek to adjourn the meeting at 10:02 am; seconded by Mayor Pro Tem Bowdre; motion carried 7 - 0 & approved as presented.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

