

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 25, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 25 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
City Manager:	Edward Broussard
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
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
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

INVOCATION

The Invocation was given by Pastor David Dykes, Green Acres Baptist Church.

MINUTES

Motion by Councilmember Whatley to approve the February 11, 2015 minutes; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 Z02-15-032 RSJB PROPERTIES LLC (2911 ROY RD. AND 14170 RHONES QUARTER RD).

Request that the City Council consider approving a zone change from "PCD," Planned Commercial Development District, "PUR," Planned Unit Residential District, and "C-

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1," Light Commercial District, to "PMF," Planned Multi-Family Residential District, with final site plan. Item Withdrawn



Z-2 Z02-15-035 AND S02-15-003 BIOLIFE PLASMA SERVICES LP (1827 W. GENTRY PKWY).

Request that the City Council consider adopting two separate ordinances, one approving a zone change from "C-2," General Commercial District, to "PMXD-1," Planned Mixed Use District, with site narrative and the other approving a Special Use Permit for a one-year period of time for the operation of a 48-bed substance abuse treatment facility with overnight stay. (O-2015-20) (O-2015-21) (Councilmember Whatley abstained and exited the chambers prior to discussion)

Jerry Hall, Senior Vice President, Cenikor – Stated that this is a very much needed service wherever they go.

Dwayne Cox, 506 W. First – Stated that he was here to ask City Council to approve the request for Cenikor to locate here in the city and provide intern service for the students.

Linda Over, 1843 Old Oak – Stated that this was an amazing thing for the community, and that the community will benefit from Cenikor being here.

Clay Clemmer, 509 S. Bois D'Arc – Stated that he was in favor of Cenikor. He has employed workers that used this type of service that Cenikor offers. This type of program is well worth having in the community.

Cathy Garton, Tyler, Tx. – Stated that there is nothing in Tyler that helps addicts with their addictions. She stated that we have to make a difference in Tyler and approving this and letting Cenikor come in to our City will change our community for the better.

Waymor Stewart, 2323 W. Front St. – Stated that he was for Cenikor because this service is needed in this community. As an Executive Director of the Andrew Center they are not funded to handle the kinds of situations that Cenikor can handle, so this type of facility is needed.

Ed Thompson, 3351 Cascade Ct. – Stated that he was representing businesses and communities surrounding this proposed business. Mr. Thompson stated that he was not in disagreement that Cenikor could benefit Tyler. The special use permit is only used when something does not fit into a neighborhood and this facility does not fit at the Gentry location. Mr. Thompson stated that the community was not against Cenikor but just against the location where Cenikor was trying to locate.


Bill Bailey, President/CEO Cenikor – Thanked city staff and the community as a whole for their support. Cenikor has been in operation since 1967 providing drug and alcohol treatment services. This facility will be an inpatient facility only and will provide about 20 beds in this facility.

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Motion by Councilmember Moore approving a zone change from "C-2," General Commercial District, to "PMXD-1," Planned Mixed Use District, with site narrative; seconded by Councilmember Warren; motion carried 6 – 0 – 1 & approved as presented.

Motion by Mayor Pro Tem Bowdre approving a Special Use Permit for a one-year period of time for the operation of a 48-bed substance abuse treatment facility with overnight stay Special Use Permit; seconded by Councilmember Moore; motion carried 6 – 0 – 1.

(Councilman Whatley re-entered the chambers after conclusion of the vote)

-  **Z-3 Z02-15-028 LEROY FRANCIS (1465 BORDER AVE., 522 AND 516 HARMONY ST). Request that the City Council consider approving a zone change from "R-1B," Single-Family Residential District, to "R-1D," Single-Family Attached and Detached Residential District. (O-2015-22)**

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

-  **Z-4 Z02-15-030 SOUTHEAST TEXAS CLASSIC REAL ESTATE (3336, 3388, 3364, AND 3452 PROFESSIONAL DR). Request that the City Council consider approving a zone change from "RPO," Restricted Professional Office District, to "C-2," General Commercial District. (O-2015-23)**

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

- Z-5 Z02-15-033 DAVIS THORNTON (32.38 ACRE TRACT OF LAND) Request that the City Council consider approving a zone change from "R-1D", Single-Family Attached and Detached Residential District, to "C-1," Light Commercial District, and "C-2," General Commercial District. (O-2015-24)**

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

- Z-6 F02-15-039 JUAN MARTINEZ ADDITION, FINAL PLAT Request that the City Council consider approving a plat for a one lot subdivision containing approximately 0.82 acres of land located northeast of the intersection of Market Drive and Old Noonday Road and a waiver of escrow in the amount of \$13,634 for street improvements to Old Noonday Road.**

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

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RESOLUTION

- R-1 Request that the City Council consider adopting a resolution supporting the passage of legislation amending Texas Code to authorize a municipality that has a population of more than 96,000 or more, and that is located in a county that borders Lake Palestine and that has a population of 173,000 or more, to have the opportunity to access the same economic development options as other cities in Texas. (R-2015-3)**

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

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending City Code, Chapter 14 to include a provision establishing fees and costs for animal care services at the City of Tyler shelter facilities. (O-2015-25)**

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

- O-2 Request that the City Council consider adoption of an ordinance approving appointments to the Boards of Directors of the Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2), the Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) and the Tyler Redevelopment Authority. (O-2015-26)**

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

RECESS

CONVENE

CITY OF TYLER JOINT MEETING OF THE BOARDS OF DIRECTORS OF THE REINVESTMENT ZONE NUMBER TWO (#2), REINVESTMENT ZONE NUMBER THREE (#3) and TYLER REDEVELOPMENT AUTHORITY

- 1. Call to Order – Martin Heines, Chair**
- 2. Recognition of New and/or Re-appointed Board Members – Martin Heines, Chair**
- 3. Approve Board Minutes – Martin Heines, Chair:**
 - a. Approve TIRZ #2 Minutes for Feb. 12, 2014**

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- b. Approve TIRZ #3 Minutes for Feb. 12, 2014**
- c. Approve TRA Minutes for Feb. 12, 2014**

Motion by Mayor Pro Tem Bowdre to approve with the correction of removing Councilmember Whatley's name on the vacant position; seconded by Councilmember Whatley; motion carried 7-0 & approved as amended.

- 4. Consider election of Vice Chair – Martin Heines, Chair**
 - a. Consider election of Vice Chair for TIRZ #2**
 - b. Consider election of Vice Chair for TIRZ #3**
 - c. Consider election of Vice Chair Tyler Redevelopment Authority**

Motion by Mayor Pro Tem Bowdre to approve JoAnn Hampton as Vice Chair; seconded by Councilmember Moore; motion carried 7-0 & approved as presented.

- 5. Review and consider acceptance of TIRZ #2 and TIRZ #3 Annual Reports by the TIRZ 2, TIRZ 3 and Redevelopment Authority Boards, respectively, and ratify submission to required entities – Staff Liaison Susan Guthrie, Assistant City Manager.**

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

6. Adjourn

The Reinvestment Zone Number Two (#2), Reinvestment Zone Number Three (#3) and Tyler Redevelopment Authority adjourned at 10:40 am.

RECONVENE February 25, 2015 CITY COUNCIL MEETING

MISCELLANEOUS

- M-1 Request that the City Council consider ratifying the submission of the Annual Reports for TIRZ No. 2 and TIRZ No. 3 to all other taxing entities and to the State of Texas Comptroller, as required by law.**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute an interlocal agreement with Tyler Junior College District (TJC) providing for TJC's participation in the Downtown Tax Increment Reinvestment Zone No. 2 and the North End Tax Increment Reinvestment Zone No. 3.**

Motion by Mayor Pro Tem Bowdre to approve for an additional five (5) years; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

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M-3 Request that the City Council consider authorizing the City Manager to execute interlocal agreements by and between Smith County and the City of Tyler providing for the County's participation in the Downtown Tax Increment Reinvestment Zone No. 2 and the North End Tax Increment Reinvestment Zone No. 3. Item withdrawn

M-4 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2015 Asphalt Enhancement Program to the lowest bidder, Reynolds & Kay, Limited, in the amount of \$2,893,235.

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

M-5 Request that the City Council consider authorizing the City Manager to execute a commercial lease agreement with Peppard Properties Ltd d/b/a The Boulders at Lake Tyler for operation of a marina at Lake Tyler.

Motion by Councilmember Mezayek; seconded by Mayor Pro Tem Bowdre; 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 ratify staff action for the purchase of digital video and audio equipment for use in the studio for Channel 3 now located in the newly renovated City University building in the amount of \$38,150.79.

C-A-2 Request that the City Council consider declaring a certain metal building in the City of Tyler as surplus and authorize for auction.

C-A-3 Request that the City Council consider approving the renewal of a taxi service permit for NDMJ LLC Management dba, The Taxi Cab Company of Tyler, Red Cab Company and East Texas Yellow Cab Company.

C-A-4 Request that the City Council consider authorizing the City Manager to execute an Airport Restaurant Concession Lease amendment adding two (2), two year lease term renewals and to renew the lease in the north side terminal of the building at Tyler Pounds Regional Airport with The Skyline Café (Rebecca Kalmowitz, Owner) for an additional two years.

C-A-5 Request that the City Council consider authorizing the City Manager to ratify a new lease agreement with the United States Government for TSA lease space in the Tyler Pounds Regional Airport terminal building.

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- C-A-6** Request that the City Council consider awarding Bid Number 15-005 for a new Airport and Parks Grounds Maintenance Agreement to Clear Choice Lawn Care and authorize the City Manager to execute the contract totaling \$163,330 annually, for a term of two (2) years.
- C-A-7** Request that the City Council consider approving the Tyler Fire Department's reclassification of one vacant Assistant Fire Marshal position and one vacant Deputy Fire Marshal position to the Driver Rank.
- C-A-8** Request that the City Council consider adopting a resolution agreeing to the sale of certain tracts of land located at 829 Turner within the City limits and owned by taxing entities including the City of Tyler. (R-2015-4)
- C-A-9** Request that the City Council consider adopting a resolution agreeing to the sale of certain tracts of land located at 1523 N. Church within the City limits and owned by taxing entities including the City of Tyler. (R-2015-5)
- C-A-10** Request that the City Council consider adopting a resolution agreeing to the sale of certain tracts of land located at 217 Gaston Ave. within the City limits and owned by taxing entities including the City of Tyler. (R-2015-6)

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

CITY MANAGER'S REPORT

1. Brief summary of East Texas Days

RECESS FOR EXECUTIVE SESSION – City Council convened from executive session at 11:00 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.

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Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 11:20 a.m. with no action taken.

ADJOURNMENT

Motion by Councilmember Nix to adjourn the meeting at 11:21 am; seconded by Councilmember Mezayek; motion carried 7 - 0 & meeting adjourned.



**MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS**

ATTEST:



CASSANDRA BRAGER, CITY CLERK

