

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 8, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 8, 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
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
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 Stephen Wickliffe, Grace Community Church.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognition

The following employee(s) were hired by the City of Tyler during the month of March 2015. We would like to take this opportunity to welcome these new employee(s).

New Employees

LAST NAME:		POSITION:	DEPARTMENT:
Sara	Funderburg	Data Management Specialist I	Police
Alexa	Mortl	Public Service Officer	Police
Devon	Mobley	College Intern	Parks
Rebeca	Viramontes	Greeter/Receptionist	Parks
Kegan	Burns	Plant Operator II	Waste Treatment
Eric	Humes	Traffic Marker I	Traffic
Courtney	Randall	Administrative Assistant	Planning & Zoning
Trevor	Parrish	Airport Tech	Airport
Cory	Coffey	Laborer	Wastewater Collection
Eugene	Wagner	Plumbing Inspector	Building Inspections
Refugio	Silvas	Bus Driver	Transit
Mark	Smith	Residential Equipment Operator	Solid Waste

ZONING

Z-1 S04-15-005 COPELAND GATE LLC (1401 WEST SOUTHWEST LOOP 323)
Request that the City Council consider approving a Special Use Permit to allow for the operation of a veterinary clinic with no outdoor pens for an indefinite period of time. (O-2015-35)

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

Z-2 Z03-15-039 DOUBLE STAR INVESTMENTS (5880 CHANDLER HIGHWAY)
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-MF”, Multi-Family Residential District. (O-2015-36)

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

Z-3 Z04-15-040 PHILLIPS & GROVE, INC (3021 AND 3029 MCCORMICK LANE)
Request that the City Council consider approving a zone change from “R-1B”, Single-Family Residential District to “C-2”, General Commercial District. (O-2015-37)

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

Z-4 Z04-15-041 PHILLIPS & GROVE, INC (3711 FRANKSTON HIGHWAY)
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District and “R-1B”, Single-Family Residential District to “C-2”, General Commercial District. (O-2015-38)

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

Z-5 Z04-15-042 LOOP 323 LODGING LLC (2698 SOUTH SOUTHEAST LOOP 323)
Request that the City Council consider approving a zone change from “PCD”, Planned Commercial District to “RPO”, Restricted Professional Office District. (O-2015-39)

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

Z-6 Z04-15-043 RAG MANAGEMENT LLC (3187 PALUXY DRIVE)
Request that the City Council consider approving a zone change from “POD”, Planned Office District to “RPO”, Restricted Professional Office District. (O-2015-40)

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

Z-7 Z04-15-044 WILLIE GARRISON (412 GATERIDGE DRIVE)
Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District to “R-1A”, Single-Family Residential District. (O-2015-41)

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

Z-8 Z04-15-048 ROBERT DEAN RICE, JR. (5405 BRIAR COVE DRIVE)
Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District. (O-2015-42)

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

Z-9 S04-15-004 TERESA DE JESUS BASILIO (315 EAST VANCE STREET)
Request that the City Council consider approving a Special Use Permit to allow for a front yard fence for an indefinite period of time. (O-2015-43)

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

Z-10 Z04-14-046 MCMILLIN HOLDINGS LLC (3509 CHANDLER HIGHWAY)
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “C-1”, Light Commercial District. (O-2015-44)
Councilmember Whatley abstained from discussion and vote and exited Council Chambers before discussion.

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

Councilmember Whatley re-enter Council Chambers.

Z-11 C04-15-005 TYLER INDEPENDENT SCHOOL DISTRICT (CLARK STREET)
Request that the City Council consider approving the closure of an unimproved right-of-way. (O-2015-45)

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

Z-12 Z04-15-047 TYLER INDEPENDENT SCHOOL DISTRICT (2800 SHAW STREET)
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “INT”, Institutional District. (O-2015-46)

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

Z-13 Z04-14-049 GLORY REAL ESTATE PARTNERS (3120 WEST FRONT STREET).
Request that the City Council consider approving a zone change from “RPO”, Restricted Professional Office District and “M-2”, General Industrial District to “AR”, Adaptive Reuse District. (O-2015-47)

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

Z-14 Z04-15-051 FRANK CORNELIO (2901 CHANDLER STREET)
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-2015-48)

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

Z-15 F04-15-072 CASSIMERE GARDENS, FIRST AMENDMENT
Request that the City Council consider approving a plat for a four lot subdivision containing approximately 0.57 acres of land located at the southeast intersection of North Border Avenue and Harmony Street, and a waiver of escrow in the amount of \$11,857.00 for street improvements to Harmony Street.

Motion to deny the plat and waiver of escrow made by Councilmember Moore; seconded

by Councilmember Warren; motion to deny plat and escrow waiver carried 7-0.

City Council members request staff to assist applicant in finding an optimal resolution on his property plan.

PRESENTATIONS

 **P-1 Request that the City Council consider hearing a presentation from the Keep Tyler Beautiful Board reviewing activities and awards received in 2014.**

Stephanie Rollings, Director of Parks and Recreation – Gave a brief update of the Keep Tyler Beautiful Board activities and awards received in 2014.

RESOLUTIONS

R-1 Request that the City Council consider approving a resolution supporting Tyler Junior College proposed baccalaureate degree program in Dental Hygiene and authorizing the City Manager to work in partnership with local, regional, state and federal organizations to promote and ensure the implementation of the program. (R-2015-11)

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

MISCELLANEOUS

 **M-1 Request that the City Council consider authorizing the City Manager to award the bid of the Fair Foundation Building, Lindsey Building, and vacant lot and dispose of the properties in accordance with State law.**

Carter Delleney, City Engineer – Stated that in 2010, the Fair Foundation/Fair estate donated the Fair Foundation Building, Lindsey Building, and adjacent vacant lot to the City of Tyler to be used in connection with downtown revitalization. The sale of the Fair Foundation Building was advertised in the newspaper for three consecutive weeks and subsequently posted in an online auction with Auctioneer Express. The auction ended on March 18, 2015, with a maximum bid of \$678,888.00 given by Invest in Tyler, LLC. Sealed bids for the sale of the Lindsey Building and vacant lot were solicited in the newspaper for two consecutive weeks and then opened on March 24, 2015. The high bid of \$888,888.88 given by Invest in Tyler, LLC was above the minimum bid requirement of \$527,000.00. The bids for both the Fair Foundation Building and the Lindsey Building should be awarded to Invest in Tyler, LLC.

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

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M-2 Request that the City Council consider authorizing the City Manager to advertise the request for qualifications for an independent architectural firm to act as the City's representative for the hotel conference center project.

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



M-3 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2015 Seal Coat Program to the lowest bidder Reynolds & Kay, Ltd, in the amount of \$391,037.03.

Motion by Councilmember Warren; 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 consider accepting a donation in the form of historic paving bricks, valued at \$49,036.00, from T.B. Butler Publishing Company, Incorporated.

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

CITY MANAGER'S REPORT

1. Update on CIP project list.
2. Keep Tyler Beautiful "10th Annual Trash Off Day" will be this Saturday at 8:00 am at the Southside Park on Donnybrook.
3. CCN Bill was voted on favorably by the House Committee.
4. Senate Bill 182 public hearing is tomorrow morning and City of Tyler representatives plan to attend.
5. Recognized Serena Butcher's contributions to the City, as this will be her last city council meeting.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:11 am

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

Executive Item No. 1:

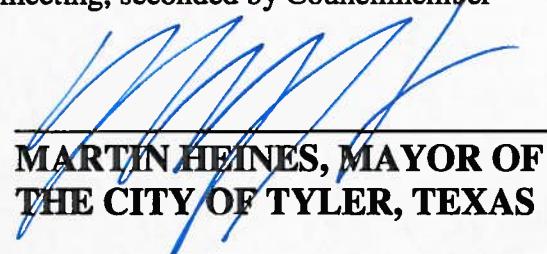
Under section 551.087 "Economic Development" deliberation regarding the following:

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Possible economic development and real estate.

ADJOURNMENT – City Council reconvened from executive session at 10:36 with no action taken.

Motion by Councilmember Whatley to adjourn the meeting; seconded by Councilmember Warren; motion carried 7 - 0 & meeting adjourned.


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

A T T E S T:


Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

The seal is circular with the words "CITY OF TYLER" at the top and "TEXAS" at the bottom. In the center, it says "SEAL" with two small circles above it.