

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
January 23, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 23, 2019 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:  | Linda Sellers  |
| Councilmembers:   | Don Warren<br>Broderick McGee<br>Ed Moore<br>John Nix<br>Bob Westbrook |
| City Manager:   | Edward Broussard   |
| City Attorney:  | Deborah G. Pullum  |
| Deputy City Attorney:   | Steve Kean   |
| Sr. Assistant City Attorney:                                      | Sharon Roberts   |
| Assistant City Attorney:  | Regina Moss  |
| Airport Manager:  | Davis Dickson  |
| Interim Main Street Director:                                     | Amber Rojas  |
| Managing Director of Administrative Services/HR:                  | ReNissa Wade   |
| Manager for Organizational Development:                           | Kristi Boyett  |
| Chief Financial Officer:  | Keidric Trimble  |
| Chief Information Officer:  | Benny Yazdanpanahi   |
| City Fire Chief:  | David Coble  |
| Director of Neighborhood Services:                                | Raynesha Hudnell   |
| Police Chief:   | Jimmy Toler  |
| Robert Gil:   | Transit General Manager  |
| Managing Director of Culture, Recreation and<br>Tourism Services: | Stephanie Franklin   |
| Director of Solid Waste & Transit Services:                       | Russ Jackson   |
| Managing Director of Planning &<br>Economic Development:          | Heather Nick   |
| Managing Director of Utilities and Public Works:                  | Scott Taylor   |
| Director of Utilities:  | Jimmie Johnson   |
| City Clerk:   | Cassandra Brager   |

**INVOCATION**

The Invocation was given by Councilmember McGee.

**MINUTES**

Motion by Councilmember Westbrook to approve the December 12, 2018 minutes; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

## **AWARDS**

**A-1 Request that the City Council 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 their dedication and for the special contribution they make to our organization. They represent 165 years of service with the City of Tyler**

| Date of Hire | First Name | Last Name | Title                    | Department | Years of Service |
|--------------|------------|-----------|--------------------------|------------|------------------|
| 1/27/1999    | Michael    | Cox       | Public Service Officer   | Police     | 20               |
| 1/11/1999    | James      | Seaton    | Fire Captain III         | Fire       | 20               |
| 1/11/1999    | Randy      | Lee       | Fire/Driver/Engineer I   | Fire       | 20               |
| 1/13/1994    | Hector     | Nunez     | Fire Captain IV          | Fire       | 25               |
| 1/13/1994    | Brent      | Hail      | Fire/Driver/Engineer III | Fire       | 25               |
| 1/13/1994    | Steven     | Gray      | Fire/Driver/Engineer III | Fire       | 25               |
| 1/11/1989    | James      | Mullicane | Firefighter XI           | Fire       | 30               |

**A-2 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.**

**Scott Taylor, Director Utilities & Public Works** –Recognized Tim Moore as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

**A-3 Request that the City Council recognize the two Texas Downtown Association award winners for their achievement and acknowledge their dedication to the overall efforts to revitalize Downtown Tyler.**

**Amber Rojas, Director of Main Street** – Stated that the Texas Downtown Association recognizes two outstanding businesses with the TDA award. The two businesses were ETX Brewing Co. Best Downtown Business over 50,000 population and Red Dirt Barbeque & Musical Festival – Best Promotional Event – Festival Event.

## **PRESENTATIONS**

**P-1 Request that that the City Council receive a presentation from the IT Department regarding data driven decisions and performance enhancement through Information Technology systems.**

**Benny Yazdanpanahi, Chief Information Officer** – Stated that he would like to share with Council some of the ways in which Tyler is leveraging technology for data-driven decision making. These approaches caused IBM to recognize the City as a Smart City and showcase uses of some of the software.

The Tyler Way refers to our consistent approach to upholding the SERVE values of Streamline, Empower, Respond, Venture, and Evaluate to provide the highest possible service to our citizens. This could not be possible without a fully engaged and innovative IT team.

The eBook that IBM produced for Tyler provides even more examples of how as a data driven community, Tyler can set the standard for performance excellence in local government and better serve our citizens to make a positive difference each day.

## **HEARING**

**H-1 Request that the City Council consider conducting a public hearing to obtain Citizen Comment to amend the Community Development Block Grant (CDBG) Program 2017 Annual Plan and move to approve the reprogramming of funds.**

At 9:22 am public hearing was held and opened, no one came forward to speak on the item, the public hearing was closed at 9:22 am.

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

## **ZONING**

**Z-1 PD18-034 BARRON JUAN AND PRISCA GOMEZ (1201 EAST ERWIN STREET)**  
Request that the City Council consider approving a zone change from “M-1”, Light Industrial District to “PCD”, Planned Commercial District with final site plan. (O-2019- 7)

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

**Z-2 PD18-035 FAIR NANCY WOOD (2801 AND 2835 SOUTH BROADWAY AVENUE)**  
Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District and “R-1A”, Single-Family Residential District to “POD”, Planned Office District with final site plan. (O-2019-8)

Speakers on Item:

**John Gaston, 106 Belmead** – Stated his main concerns with the zone change are privacy and security, so he is in opposition of the zoning change.

**Laura Corbett, 3914 Post Oak** – Stated that she is representing the Fair Family (prior owner of property, Nancy Fair residence) and they felt this is the highest and best use of this property.

**Garnet Brookshire, 220 Glenhaven Dr.** – Spoke in favor of the item because the Spencers are planning on remodeling an old home that has been vacant for several years. On top of that, they are willing to solve a long running drainage issue in the creek. Also, privacy is an issue for Mr. Brookshire.

**Robert Richey, 119 Belmead Lane** – Spoke in opposition of the item and distributed a site plan to City Council so they could review the plan that was submitted to the Planning and Zoning Commission at their meeting. Mr. Richey stated that his property back-line abuts both the single family residential lot owned by the Nancy Fair estate, which is proposed to be rezoned POD and abuts the single family residential lot owned by the Nancy Fair estate, which is not proposed for rezoning but will retain its 1-A status and will contain approximately 20 percent of this office complex. As the Planning and Zoning Department has figured it, we will be looking at the very same bulldozers, earth movers and personnel that are operating on the proposed rezone single family lot as will be operating on the single family lot containing the Nancy Fair house. This project extends into both tracts. This project affects more people than the 8 houses on Glenhaven and 44 people have expressed opposition to this zoning change. The developer does not have the right to combine the breath and scope of this POD office complex with a single family residential lot that Nancy Fair house sits on and that's what going on here. Twenty percent of the single family residential lot is part of this office complex. Mr. Richey further stated that he would like to see the property stay a single family residential lot and asked City Council to either amend the site plan to remove the additional work on the Nancy Fair lot or rezone the single family residential lot that the house sits on.

**John Barr, 201 Belmead Lane** – Spoke in favor of the item and stated that this is the highest and best use of the property. He was also concerned about the security in his neighborhood.

**William & Tami Spencer, 3413 Harwood Dr.** (the Applicants) – Started this process in December and wanted to make this a positive project. They plan on doing a residential style house and it will feel more like a residence than anything else. They wanted to add some value to the landscaping. Some of the concerns that were brought to their attention were orientation of the parking and the buffer yard; and those concerns have all been met.

**Councilmember Nix** – Asked if the sidewalk wrapped around the area has been removed from the site plan.

**William & Tami Spencer, 3413 Harwood Dr.** - Stated, "Yes, it has been removed."

**Councilmember Warren** – Stated this area was part of a drainage study that was done several years ago and it was an expensive resolution to fix the problem. Asked if in the proposal where you have the retention pond, would you be working with the City to make sure where the water exits this retention pond fits in to where this drainage study is done, so we are really solving the problem, rather than creating problems.

**William & Tami Spencer, 3413 Harwood Dr.** Absolutely, and have started conversations with the City Engineer.

**Mayor Heines** – Asked the applicant, William Spencer to write a letter stating that he is not planning on using the proposed site plan located in the space between the buffer yard, parking area and pond and keeping the trees. (Letter attached to the minutes...Exhibit A.)

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

**Z-3 PD18-028 DOGWOOD PARK HOLDINGS LLC (2211 AND 2215 ROY ROAD)** Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District, “AG”, Agricultural District and “RPO”, Restricted Professional Office District to “POD”, Planned Office District with final site plan. (O-2019-9)

**William Spencer, 212 W Ninth St.** (the Applicant) – Spoke in favor of item.

Motion by Councilmember Westbrook; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

## **ORDINANCE**

**O-1 ZA18-003 UNIFIED DEVELOPMENT CODE (20 YEAR CITY LIMITS)** Request that the City Council consider approving an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 1998 is part of the City. (O-2019-10)

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

**O-2 Request that the City Council consider approving an ordinance amending Tyler City Code Chapters 7 and 18 by amending regulations related to waivers to liens. (O-2019-11)**

**Shruti Patil, Information Data Analyst** – Gave a brief presentation concerning improving the lien release process.

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

**O-3 Request that the City Council consider adopting an ordinance amending City Code, Chapter 4, Article II., Division A., “Smoking Prohibited,” so to update provisions related to the City’s prohibition of smoking in public areas to effectively include electronic cigarettes and similar smoking devices. (O-2019-12)**

**Sharon Roberts, Sr. Asst. City Attorney** – Gave a presentation concerning adopting an ordinance amending City Code, Chapter 4, Article II., Division A., “Smoking Prohibited,” to update provisions related to the City’s prohibition of smoking in public areas to effectively include electronic cigarettes and similar smoking devices.

**George Roberts – Exec. Director NETHD** – Spoke in favor of the item

**Terrance Ates – Communications Manager, NETHD** – Spoke in favor of the item

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

## **RESOLUTIONS**

**R-1 Request that the City Council consider adopting a resolution of support for various affordable housing tax credit project proposals and the approval of the waiver of development/permit fees in the amount of \$500 for each awarded project.**

**Heather Nick, Managing Director of Planning & Economic Development** – Asked that the City Council consider adopting a Resolution of support for each housing tax credit proposal as listed in the Housing Tax Credit Project Listing attachment and the approval of the waiver of development/permit fees in the amount of \$500 for each awarded project.

Abbington Grande (**R-2019-3**)  
Heritage Estates (**R-2019-4**)  
Rosewood Senior Villas (**R-2019-5**)  
Mariposa Apartment Homes (**R-2019-6**)  
Chapel Woods (**R-2019-7**)

**Michael Ash, 1535 Camino Lago, Irving, TX** (Applicant) – Spoke in favor of the item and advised that the applicant would provide the City with a Hold Harmless letter regarding the non-effect of this item, if approved, on the zoning process.

**Breck Kean, 2964 Peachtree Rd., Atlanta, GA** (Applicant) – Spoke in favor of the item.

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

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to approve Change Order No. 2, in the amount of \$494,000.00, to Gracon Construction, Inc. for the Golden Road Water Treatment Plant Backwash Pump Station and Clearwell Baffle project.**

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

**M-2 Request that the City Council consider adopting the Revised Paratransit ADA (Americans with Disabilities Act) plan for acceptance.**

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

**M-3 Request that the City Council consider authorizing the City Manager to award Tyler Bid No. 19-008 to Joe R. Jones Construction, Inc. for the 2019 Instrument Landing System Relocation Construction Project at Tyler Pounds Regional Airport in the amount not to exceed \$2,257,329.50.**

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

**M-4 Request that the City Council consider authorizing the City Manager to execute amendment number one to Work Order No. 2 with KSA Engineers in an amount not to exceed \$160,900.00, to provide construction administrative services for Runway 4-22 Rehabilitation-Instrument Landing System Relocation at Tyler Pounds Regional Airport.**

Motion by Councilmember Warren; seconded by Mayor Pro Tem Sellers; 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 authorizing the City Manager to extend the annual price agreement to the vendor listed for Roadside & Drainage Way Herbicide Spray Program for one year beginning October 1, 2018.**

**C-A-2 Request that the City Council ratify the City Manager's approval of a three year Special Waste Service Agreement from Republic Services to increase the rate for disposal of biosolids from the Westside Wastewater Plant, from \$14.28 to \$14.71 per cubic yard.**

**C-A-3 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 17 by amending and updating the parking provisions to allow for free public parking in all parts of the Fair Plaza Parking Garage outside of normal business hours. (O-2019-13)**

**C-A-4 Request that the City Council consider authorizing the City Manager to approve a reimbursement, in the amount of \$44,623.00, to Genecov West Mud Creek LLC for the construction of an oversized 12-inch water main.**

January 23, 2019

Motion by Mayor Pro Tem Sellers to approve the entire consent agenda; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

## **CITY MANAGER'S REPORT**

1. Union Pacific – Rail and Tie projects across the city (intersection closures).
2. Innovation Pipeline is partnering with TJC, increased open hours.
3. Arbor Day celebration this week.

## **EXECUTIVE SESSION** City Council convened into executive session at 11:17 am.

Executive Item No. 1:

Under Texas Government Code Section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation involving Sarashua Enterprise LLC and enforcement of City Hotel/Motel Occupancy Tax. Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

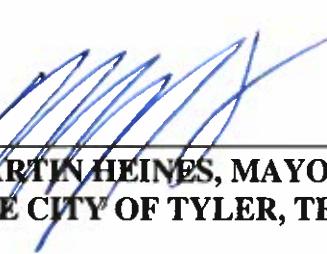
**Any final action to be taken by the City Council will be taken in open session.**

City Council reconvened from executive session at 11:39 a.m. with no final action taken.

**Council watched IT Department video**

## **ADJOURNMENT**

Motion by Councilmember Warren to adjourn the meeting at 11:39 am; seconded by Councilmember McGee; motion carried 7 - 0 & meeting adjourned.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

**A T T E S T:**

  
CASSANDRA BRAGER, CITY CLERK



January 23, 2019



January 24, 2019

Mayor Martin Heines  
City of Tyler  
PO Box 2039  
Tyler, Texas 75710

RE: MHS Planning and Design Office Space (PD 18-035)

Dear Mayor Heines:

Thank you for your consideration and support of the proposed zoning change item Z-2 at yesterday's council meeting. As discussed, I wanted to send a personal letter of assurance of our future intent concerning the portion of our proposed site plan located in the space between the buffer yard (south/west), parking area (east), and pond (north). Our goal with this open space will remain consistent with MHS Planning & Design's mission statement on all our projects, which is to enhance the natural beauty of the existing landscape. Thank you for your consideration on this matter and if you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Spencer".

William H. Spencer  
Managing Partner