

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
January 24, 2018**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 24, 2018 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:	Don Warren
Councilmembers:	Linda Sellers Darryl Bowdre Ed Moore John Nix Bob Westbrook
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Sr. Assistant City Attorney:	Sharon Roberts
Managing Director of Administrative Services/HR:	ReNissa Wade
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Rollings
Director of Solid Waste & Transit Services:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
Managing Director of Utilities and Public Works:	Scott Taylor
City Clerk:	Cassandra Brager

## **INVOCATION**

The Invocation was given by Councilmember Bowdre.

## **AWARDS**

**A-1 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.**

Rose Ray was recognized as the January City employee Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

**A-2 Request that the City Council consider accepting the Best Public Improvement Award for the Tyler Innovation Pipeline from the Texas Downtown Association.**

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**Stephanie Franklin, Managing Director**- Presented the City Council with the Best Public Improvement Award for the Tyler Innovation Pipeline from the Texas Downtown Association.

## **ZONING**

**Z-1 C17-006 FRONT STREET PARTNERS (PORTION OF EARLE STREET)** Request that the City Council consider recommending the closure of an unpaved portion of Earle Street. (O-2018-5)

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

**Z-2 S17-008 YOLO PROPERTIES (5201 SOUTH BROADWAY AVENUE)** Request that the City Council consider approving a Special Use Permit to grant a variance to reduce the required 300 feet distance separation from the property line of Times Square entertainment venue and a public school to 59 feet in order to be eligible for a Texas Alcoholic Beverage Commission license to sell mixed beverages. (O-2018-6)

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

**Z-3 ZA17-003 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, 1997 is part of the City. (O-2018-7)

Motion by Councilmember Bowdre; 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 authorize repairs to the Southside Park's public restroom facility, in the amount of \$43,364.00, to Caspian Construction Company, of NDMJ Management, LLC.

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

## **ORDINANCE**

**O-1** Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Energy Conservation Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-8)

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Bill Johnson, Chief Building Official and Paul Findley, Fire Marshal/Public Information Officer presented O-1 through O-9.

Sam Mezayek, 7750 Hollytree Dr. – Thanked City Council and staff for their support.

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

**O-2 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Building Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-9)**

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

**O-3 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2017 National Electrical Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-10)**

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

**O-4 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Fuel Gas Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-11)**

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

**O-5 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Plumbing Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-12)**

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

**O-6 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Mechanical Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-13)**

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

**O-7 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Residential Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-14)**

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

**O-8 It is recommended that the City Council adopt the attached ordinance amending Tyler City Code Chapter 6 by adopting the 2015 International Existing Building Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-15)**

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

**O-9 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 to adopt the 2015 International Fire Code with amendments. It is recommended that a six month transition period be provided for the effective implementation and enforcement of the new code. (O-2018-16)**

Motion by Councilmember Nix; seconded by Councilmember Westbrook; 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 approve the Landlord Consent to Assignment & Estoppel Certificate between ETMC and Ardent Health Partners, LLC, for purposes of the operation of a Radio Communications Tower located at 825 North Glenwood Boulevard, Tyler, Smith County, Texas. (removed from the agenda)**

**C-A-2 Request that the City Council consider authorizing the City Manager to award The Chariot Bus Lines (Chariot) Request for Proposal (RFP) 18-011 to provide a shuttle transportation service from Athens, Murchison, Brownsboro, Chandler, and Tyler Airport areas to Tyler in the amount of \$119,400, and to award NDMJ Transportation (NDMJ) RFP 18-009 to provide a shuttle service to the University of Texas Health Science Center in the amount of \$120,000.**

**C-A-3 Request that the City Council consider authorizing the City Manager to approve Change Order No. 1, in the amount of \$270,000.00, to Gracon Construction, Inc. for the Golden Road Water Treatment Plant Backwash Pump Station and**

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Clearwell Baffle project.

**C-A-4** Request that City Council consider ratifying an expenditure in the amount of \$30,000.00 to JWC Environmental of Santa Ana, California, for emergency repair parts and service to the fine screen located at the Westside Wastewater Treatment Plant.

**C-A-5** Request that the City Council consider authorizing the City Manager to apply for and accept funding up to \$75,000 from Smith County 9-1-1 District for the purchase of in-car computers to be used in the Tyler Police Vehicles.

**C-A-6** Request that the City Council consider canceling the March 14, 2018 City Council meeting.

Motion by Councilmember Bowdre to approve the consent agenda items except C-A-1; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

## **CITY MANAGER'S REPORT**

- 1) This Saturday will be City's Arbor Day Celebration at UT Tyler campus, and UT Tyler has achieved the Tree Campus USA certification status.
- 2) Rose Rudman Trail improvement ongoing, new water fountains, renovation of gazebos, etc.
- 3) "Drive Like Your Family Lives Here" Campaign will be ongoing for the next 3-4 months focuses on safe driving especially on residential streets.

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 10:02 am.

Executive Item No. 1:

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

1. Pending or contemplated litigation or settlement offer involving *Brenda Johnson v. City of Tyler, Texas.*

Executive Item No. 2:

Under Tex. Gov't Code section 551.074 "Personnel Matters" deliberation regarding the following:

1. The employment, duties and evaluation of the City Manager.

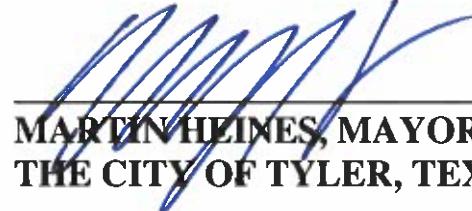
**Any final action to be taken by the City Council will be taken in open session.**

City Council reconvened from executive session at 10:48 am with no action taken.

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**ADJOURNMENT**

Motion by Mayor Pro Tem Warren to adjourn the meeting at 10:48 am; seconded by Councilmember Bowdre; 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

