

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
December 9, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 09, 2015 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:	Edward Moore
Councilmembers:	Mark Whatley Linda Sellers Darryl Bowdre John Nix Don Warren
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Sr. Assistant City Attorney:	Sharon Roberts
Assistant City Attorney:	Terrance Garmon
Managing Director for Administration:	ReNissa Wade
Neighborhood Services Operations Manager:	Larry Everett
Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
Director of Solid Waste:	Russ Jackson
Director of Planning:	Heather Nick
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

**INVOCATION**

Rabbi Neal Katz of Congregation Beth-El.

**MINUTES**

Motion by Councilmember Bowdre to approve the November 11, 2015 and November 19, 2015 regular and special called city council meeting minutes: seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of November 2015. We would like to take this opportunity to welcome these new employees.

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New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Lana	Griffin	Payroll Technician	Finance
Jimmy	Ramsey	Risk Technician	HR
Madeline	Akers	Access Associate	Library
Bobby	Dews	Groundskeeper Rose Garden	Parks
Carlos	Espinoza	Planner	Planning
Danny	Garner	Welder II	Solid Waste
Douglas	Nolan	Residential Equipment Operator	Solid Waste
Jeff	Novak	Welder I	Solid Waste
Jeff	Kirt	Crew Leader	Streets/Storm Water
Karen	Glavin-Hoover	Senior Bus Driver	Transit
Jonathan	Baldwin	Laborer	Water Distribution
Jason	Morales	Equipment Operator	Water Distribution

ZONING

**Z-1 S12-15-001 GATEWAY TO HOPE (601 VALENTINE STREET)**

Request that the City Council consider approving a Special Use Permit for the operation of a homeless day resource room.

Councilmember Warren – Stated that Gateway to Hope has been a passion of his since day one and since opening he has seen a lot of success stories as well as stories that have not been so successful. What he has really seen was the dream of Rev. Pat Mallory come to fruition and saw her help thousands of people over the course of several years. We got so big that we saw over hundreds of people coming in and it just became more than we could handle. A couple of months ago Gateway to Hope closed for re-evaluation and it's like this white knight came in, which was Highway 80 Rescue Mission and they wanted to take over with new leadership, fresh leadership. Highway 80 has been in the homelessness business since the 50's so it's just a natural fit for this to happen and very proud to see the baton being passed from Gateway to Highway 80 Rescue Mission.

Motion by Councilmember Warren; seconded by Mayor Pro Tem Moore; motion carried 7 - 0 & approved as presented. (O-2015-104)

**Z-2 Z12-15-005 JALAPENO TREE HOLDINGS, LLC (301 WEST HERITAGE)**

Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "PMXD-1", Planned Mixed Use District with final site plan.

Councilmember Whatley exited the room.

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Motion by Councilmember Nix; seconded by Councilmember Sellers; motion carried 6 – 0-1 & approved as presented. (O-2015-105)

Councilmember Whatley enters the room.

**Z-3 Z12-15-008 DAVIS THORNTON (2800 ELKTON TRAIL)**

**Request that the City Council consider approving a zone change from “C-1”, Light District and “C-2”, General Commercial District to “C-2”, General Commercial District, and ‘PMF”, Planned Multi Family District with written narrative.**

Motion by Councilmember Bowdre; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented. (O-2015-106)

**Z-4 F12-15-011 SCOTT ADDITION, FINAL PLAT**

**Request that the City Council consider approving a two lot subdivision containing approximately 2.95 acres of land located west of the northwest intersection of Jeb Stuart Drive and Jeff Davis Drive and a waiver of escrow in the amount of \$6,825 for street improvements to Jeff Davis Drive.**

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

**Z-5 F12-15-015 JNO Broughton Addition, Second Amendment**

**Request that the City Council consider approving a two lot subdivision containing approximately 0.42 acres of land located at the southwest intersection of Grove Street and South Confederate Avenue and for the construction plans to be deferred to when building plans are submitted.**

**Heather Nick, Director of Planning** - Stated that the deferral of plans will be approved once the building plans are submitted for final development. This is not a waiver to escrow or asking not to build the street it is a request to defer until the building plans are submitted because this is through housing through our Neighborhood Services Department.

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

**PRESENTATION**

**P-1 Request that the City Council consider receiving a report from Enprotec/Hibbs Todd, Inc. on the treatment process and finished water quality for the Tyler Water Utility Systems.**

**City Manager Edward Broussard** - On November 4, 2015, the City hired an independent, third party expert to evaluate both the facilities and protocols of The City's Water Department. The City retained Enprotec/Hibbs & Todd, Inc. to conduct a full assessment of the treatment processes and water quality of the system. Mayor Heines emphasized the

importance of having obtained an outside review of the City's water quality, and the City Council wanted to assure the public that the City's water system is safe.

**Scott Hibbs** - Gave a brief presentation concerning the report on the water treatment process.

## **RESOLUTIONS**



**R-1 Request that the City Council consider adopting a Resolution ratifying the submission of a revised Transportation Alternative Program (TAP) grant application for the City of Tyler Legacy Trails project to be filed with the Texas Department of Transportation and committing the local matching funds. (R-2015-32)**

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

## **ORDINANCE**

**O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 to adjust the existing building permit fees for new construction, alteration, additions and repairs. (O-2015-107)**

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

**O-2 Request that the City Council consider adoption of an ordinance amending City Code Chapter 17 to extend the Mobile Food Unit Street Vending Pilot Program within certain public rights-of-way for three years. (O-2015-108)**

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

**O-3 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2015-2016 Budget to provide funding to complete various CDBG, HOME and Housing Choice Voucher Program activities, Airport Project Grant, Transit, Black Fork Creek Program Activities, and purchases not completed by September 30, 2015 as anticipated. (O-2015-109)**

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

**O-4 Request that the City Council consider adopting an Ordinance amending the FY 2015-2016 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by Sept. 30, 2015, as anticipated.**

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

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(O-2015-110)

## MISCELLANEOUS

**M-1 Request that the City Council consider authorizing the City Manager to lease/purchase 71 4RE-200-GPS-ZOM In-Car Cameral Systems from Watchguard Digital In-Car Video in the total amount of \$405,126 and execute documents for financing through Prosperity Bank at 1.69% interest to be paid over three years at \$139,702.56 per year. (R-2015-33)**

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

**M-2 Request that the City Council consider authorizing the City Manager to award a construction contract to Doughtie Construction Co., Inc. in the amount of \$1,392,925.00 for the South Paluxy and East Grande Sanitary Sewer Improvements project.**

Motion by Councilmember Nix; seconded by Mayor Pro Tem 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 amending the final contract amount to Reynolds and Kay, LTD for the 2015 Asphalt Enhancement Program.**

**C-A-2 Request that the City Council consider approving the reconciliation change order and the release of retainage to Crown Civil Construction Corporation for the Whiteside Road Culvert Replacement Project.**

**C-A-3 Request that the City Council consider ratifying staff action to award the construction contract for the Cherokee Trail Culvert Replacement to A.E. Shull and Company in the amount of \$83,676.50.**

**C-A-4 Request that the City Council consider authorizing the City Manager to renew the current Parking Management Contract to the firm of ABM Parking Services Inc. for five years to provide parking management services for Tyler Pounds Regional Airport.**

**C-A-5 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2015.**

 **C-A-6** Request that the City Council consider authorizing the City Manager to execute Work Order #2 in the amount of \$64,200 with The Brannon Corporation for construction phase services for the South Paluxy and East Grande Sanitary Sewer Improvements

 **C-A-7** Request that the City Council consider authorizing the City Manager to declare Tyler Water Utilities scrap brass, copper, water meters and miscellaneous metals as surplus and award Bid number 16-003, to Tyler Iron & Metal of Tyler, Texas.

**C-A-8** Request that the City Council consider authorizing the City Manager to execute Work Order #1 in the amount of \$36,500 with KSA Engineers, Inc. for design phase services for the Lake Palestine Water Treatment Plant Chlorine Automatic Shutoff project.

**C-A-9** Request that the City Council consider authorizing an expenditure in the amount of \$78,290.10 for Mandated Water System Fee to the Texas Commission on Environmental Quality.

**C-A-10** Request that the City Council consider approving the 2015 Certified Property Tax Roll.

 **C-A-11** Request that the City Council consider authorizing the City Manager to purchase various vehicles and equipment from Buy Board, Texas Smart Buy, and lowest qualified bids received.

**C-A-12** Request City Council consider ratifying Texas Department of Transportation Project Grant Agreement ED 1606. Project Grant Agreement is Federal Funding, passed through the State, under the 5310 Program in the amount of \$146,510 for Fiscal Year 2016.

**C-A-13** Request that the City Council consider releasing final payment for refurbishing Transit's GFI Genfare fare boxes under the State of Good Repair grant.

**C-A-14** Request that the City Council consider authorizing the City Manager to award the design and oversight contract for the City of Tyler Innovative Pipeline Project Remodel to Butler Architects in the amount of \$36,000.

**C-A-15** Request that City Council consider authorizing the City Manager to execute an agreement between the Texas Department of Public Safety and City of Tyler for OmniBase Services and ratify previous payments.

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

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## **CITY MANAGER'S REPORT**

1. Implementation of \$15.00 late notices for water bills will begin January 7.
2. Texas College collaboration with Legal and Municipal Court was successful on the explanation of the Municipal Court processes.
3. Transit in the process of looking at increasing routes in the city.
4. Holiday events announced (Downtown Museum of Art open house, Fraternal Order of Police will be doing Blue Santa at Wal-Mart on Troup Hwy).
5. CIP Summary report handed out.

City Council convened into executive session at 10:44 am

## **RECESS FOR EXECUTIVE SESSION**

Executive Item No. 1:

Under section 551.071 "Litigation" deliberation regarding the following:

1. Pending or contemplated litigation involving Ashmore Unit 4 Subdivision channel.

City Council reconvened from executive session at 11:24 am with no action taken.

## **ADJOURNMENT**

Motion by Councilmember Whatley to adjourn the meeting at 11:24; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.

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

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK

