

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
December 11, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 11, 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:	Bob Westbrook
Councilmembers:	Linda Sellers Don Warren Broderick McGee Shirley McKellar Criss Sudduth ( <b>absent</b> )
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
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
City Librarian:	Ashley Taylor
Code Enforcement Manager:	Chris Lennon
Operations Manager of Neighborhood Services:	Prentice Butler
Police Chief:	Jimmy Toler
Chief Building Official:	Tim Johnson
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Director of Solid Waste & Transit Services:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
Water Business Office Manager:	Jim Yanker
City Engineer:	Lisa Crossman
Director of Utilities:	Jimmie Johnson
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember McGee.

**MINUTES**

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**Request that the City Council consider approval of the Minutes of the regular meeting of the City Council of the City of Tyler, Texas held on September 25, 2019.**

Motion by Councilmember Warren to approve the September 25, 2019 minutes; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 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 your dedication and for the special contribution, you make to our organization. They represent 100 years of service with the City of Tyler.**

Donald Staples, Commercial Equipment Operator for Solid Waste, hired 11/22/1999. 20 years of service.

Rey Morales, Residential Building Services Specialist for Building Services, hired 11/17/1999. 20 years of service.

Joey Wiggins, Fire District Chief for Fire Department, hired 11/20/1989. 30 years of service.

Steve Kean, Deputy City Attorney for Legal, hired 12/21/1989. 30 years of service.

**A-2 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for December 2019.**

Captain Hal Walker was recognized as the Blueprint Blue Ribbon Award winner for December 2019.

## **PRESENTATION**

**P-1 Request that the City Council consider receiving a presentation on the Five-Year Update to the Tyler 1st Comprehensive Plan.**

**Heather Nick, Managing Director of Planning & Economic Development** – Gave a brief update on the five year Tyler 1<sup>st</sup> Comprehensive Plan.

## **HEARING**

**H-1 Request that the City Council conduct hearing for citizen participation for the Neighborhood Services Department's Community Development Block Grant/HOME Consolidated Annual Performance Evaluation Report.**

City Council opened the public hearing up at 9:27 am with no one coming forward to speak at the public hearing. City Council closed the public hearing at 9:28 am.

**ZONING**

**Z-1 S19-006 TYLER JUNIOR COLLEGE DISTRICT (810 SOUTH PORTER)**  
Request that the City Council consider approving a Special Use Permit (SUP) for temporary portable restroom facilities. (O-2019-100)

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**Z-2 Z19-033 WALKER JODY (110 WEST VALENTINE STREET)**  
Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "DBAC", Downtown Business, Arts and Culture District. (O-2019-101)

**Jody Walker, 110 W. Valentine St.** – Asked if there was another zoning designation that would allow permanent out-door display.

**Kyle Kingma** responded that C-2 would allow out-door display temporarily for 60 days out of the year but would not allow for the residence.

Motion by Mayor Heines to approve the Downtown Business, Arts and Culture District zoning (DBAC); seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

**Z-3 Z19-035 SHIPLEY ROBERT AND ALEJANDRO CARDENAS (1806 AND 1816 WEST OAKWOOD STREET) (O-2019-102)**  
Request that the City Council consider approving a zone change from "C-2", General Commercial District to "R-MF", Multi-Family Residential District.

Motion by Councilmember McGee; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

**Z-4 Z19-036 DOGWOOD PARK HOLDINGS LLC (2225 ROY ROAD)**  
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2019-103)

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

**Z-5 PD19-016 GENECOV INVESTMENTS LTD (24.95 ACRES OF LAND, A PORTION OF 8020 OLD JACKSONVILLE HIGHWAY AND A PORTION OF 2113 BLUE MOUNTAIN BOULEVARD)**  
Request that the City Council consider approving a zone change from "AG", Agricultural District and "C-1", Light Commercial District to "PMF", Planned Multi-Family District with written narrative and "RPO", Restricted Professional Office District. (O-2019-104)

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**Ray McKinney, 1350 Dominion Plaza** (Developer's Representative) – spoke in favor of the item.

**Mark Loughmiller, 7418 Princedale** - Bishop's Gate (Board Representative) – spoke in favor of the item and thanked City Councilmember Linda Sellers for excellently facilitating the communication between the affected homeowners and the development.

**Mark Priestner, 3815 Old Bullard Rd** – Developer's Planning Representative -Spoke in favor of the item.

Motion by Councilmember Sellers; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented.

**Z-6 C19-005 ZUNIGA ELOISA (UNIMPROVED ALLEY RIGHTS-OF-WAY)**  
**Request that the City Council consider approving the closure of unimproved alley rights-of-way adjacent to West 31st Street. (O-2019-105)**

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**Z-7 Z19-037 HENSON TERRY (240 SOUTH MAHON AVENUE AND 1526 EAST EARLE STREET)**  
**Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "R-2", Two-Family Residential District. (O-2019-106)**

Motion by Councilmember Warren; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

**Z-8 Z19-039 DEIBEL COMPANIES INC (5661 CHANDLER HIGHWAY AND 552, 610, 616 EISENHOWER DRIVE)** Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "R-1B", Single-Family Residential District and "C-2", General Commercial. (O-2019-107)

Motion by Councilmember McGee; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**Z-9 PD19-033 TCMJ DEVELOPMENT LLC (4238 COLINA TRAIL)**  
**Request that the City Council consider approving the site plan amendment for a "PUR", Planned Unit Residential District. (O-2019-108)**

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**Z-10 PD19-034 TCMJ DEVELOPMENT LLC (4150 COLINA TRAIL)**  
**Request that the City Council approving the site plan amendment for a "PUR", Planned Unit Residential District. (O-2019-109)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

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**Z-11 PD19-036 PRESTON RIDGE PARTNERS LLC (7121 WALJIM STREET)**

**Request that the City Council consider a zone change from “R-1A”, Single-Family Residential District to “PUR”, Planned Unit Residential District with a final site plan. (O-2019-110)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

**City Council recessed for a break at 10:08 a.m.  
City Council reconvened at 10:19 a.m.**

**RESOLUTION**

**R-1 Request that the City Council consider authorizing the payment of \$173,642.90 to A.E. Shull & Company for preventative work performed on creek crossings as part of the Consent Decree, to approve an additional estimated \$256,897.00 for proposed preventative creek crossing work, and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2019-66)**

Motion by Councilmember Warren; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

**R-2 Request that the City Council consider adopting a Resolution appointing a City of Tyler representative to the Smith County Appraisal District Board of Directors. (R-2019-67)**

Motion by Councilmember Sellers to appoint Mark Whatley; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**R-3 Request that the City Council consider adopting a resolution suspending the December 19, 2019 effective date of CenterPoint Energy Texas Gas Beaumont/East Texas Division's increase and requiring delivery of this resolution to CenterPoint and legal counsel. (R-2019-68)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

**MISCELLANEOUS**

**M-1 Request that the City Council award the second year of a three year Indefinite Quantity, Indefinite Delivery (IDIQ) contract for the “Cleaning and Closed Circuit Television (CCTV) Recording of Wastewater (Sanitary Sewer) Lines, Group 4”, City of Tyler Bid Number 19-011, to Taplin Group, LLC for \$844,073.25.**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented.

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**M-2 Request that the City Council consider authorizing the City Manager to approve the release of final retainage payment in the amount of \$44,711.95 to A.E. Shull & Company for the Right-of-way (ROW) Maintenance, Clearing, and Improvements Project, Bid No. 19-010.**

Motion by Councilmember Sellers; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

**M-3 Request that the City Council consider authorizing the City Manager to execute Change Order No. 01 with RedZone Robotics, Inc., increasing the total contract amount by \$171,200 for the multi-Sensor and Closed Circuit Television (CCTV) recording of large diameter wastewater (sanitary sewer) lines, Bid No. 19-017.**

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**M-4 Request that the City Council consider ratifying staff approval of Amendment No. 1 with Elledge Engineering in the amount of \$32,250 for additional design work for the South Fleishel Avenue Drainage Improvement project.**

Motion by Councilmember Sellers; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

**M-5 Request that the City Council consider authorizing the City Manager to execute a contract with Elledge Engineering Corporation for the design, construction management, and construction inspection of storm drain repairs at 3521 South Broadway and 529 Sutherland Drive, in the amount of \$67,500.**

Motion by Councilmember McKellar; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

**M-6 Request that the City Council consider authorizing the City Manager to execute a contract with Schaumburg & Polk, Inc. for the design, construction management, and construction inspection of the Bascom Road Water Line project in the amount of \$145,150.**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

**M-7 Request that the City Council consider authorizing the City Manager to execute a construction contract with Gracon Construction, Inc. for the Golden Road Water Treatment Plant Filters 5-8 Rehabilitation and Caustic Feed System project in the amount of \$2,720,420.00. (item pulled from the agenda prior to approval)**

**M-8 Request that the City Council consider authorizing the City Manager to execute a contract with Morton Enterprise for the construction of the 2020 Asphalt Crack Seal Project in the amount of \$477,219.00.**

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Motion by Mayor Heines; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

**M-9 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending September 30, 2019.**

Motion by Councilmember McKellar; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

**M-10 Request that the City Council consider authorizing the City Manager to approve purchasing goods through the Sheriffs' Association of Texas Purchasing Co-Op, and also recommend that the City Council consider authorizing the City Manager to purchase twelve (12) Chevy Tahoe's from Reliable Chevrolet under this purchasing cooperative.**

Motion by Councilmember McGee; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

**M-11 Request that the City Council consider authorizing the City Manager to purchase a Pierce Custom Enforcer PUC Fire Engine for the Fire Department from Siddons Martin Emergency Group, Houston, Texas, HGAC contract number FS12-19.**

Motion by Councilmember McKellar; seconded by Councilmember Sellers; motion carried 6 - 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 review and accept the Investment Report for the quarter ending September 30, 2019.**

**C-A-2 Request that the City Council consider authorizing the City Manager to purchase a John Deere 410SL Back Hoe with City specified option from Buy Board Contract 515-16 from Doggett Machinery in the amount of \$111,279.**

**C-A-3 Request that the City Council consider authorizing the City Manager to purchase one 2019 Dump Truck from the lowest bidder Hall Volvo for \$74,743.**

**C-A-4 Request that the City Council consider authorizing the City Manager to purchase City vehicles and equipment from lowest bidders per Bid 20-003.**

**C-A-5 Request that the City Council consider ratifying the submission of an application between the Transportation Security Administration (TSA) and the City of Tyler for the Calendar Year 2020-2022 Law Enforcement Officer**

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**(LEO) Reimbursement Program and authorize the City Manager to execute the Tyler Pounds Regional Airport LEO Reimbursement Agreement once received.**

**C-A-6** Request that the City Council consider authorizing the City Manager to execute a new airport food concessions lease with Sky's the Limit Diner.

**C-A-7** Request that the City Council consider approving construction Change Orders 3 and 6 totaling \$64,624.36, to be reimbursed to the Texas Department of Transportation on the Legacy Trails project.

**C-A-8** Request that the City Council consider ratifying expenditures for all work performed to construct an emergency all-weather access roadway to the Lake Bellwood Sanitary Sewer Lift Station. Expenditures are estimated in the amount of \$68,562.00.

**C-A-9** Request that the City Council consider ratifying expenditures in the amount of \$39,243.32 for the emergency installation of the Troup Highway Standpipe bypass valve and piping to A.E. Shull & Company.

**C-A-10** Request that the City Council consider authorizing the City Manager to purchase emergency equipment for Police Department vehicles and the installation of this emergency equipment from Dana Safety Supply Inc.

**C-A-11** Request that the City Council consider authorizing the City Manager to execute Change Order No. 01 with Quadex Lining Systems, LLC, for the DP01 Sanitary Sewer Rehabilitation - CIPP Package Additions Project, and update the resolution originally passed July 10, 2019 to reflect the same. (R-2019-69)

Motion by Mayor Pro Tem Westbrook to approve the entire consent agenda ; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

#### **CITY MANAGER'S REPORT**

1. Rose and Weeds podcast released a new episode with Nancy Rangel, Texas Census Committee Chair along with Michael Howell on how to get the people involved with the Census.
2. The Glass Recreation Center The Glass Recreation Center renovations are in progress:
  - Floor in the weight room has been replaced. Expected delivery on new equipment is December 10.
  - The walls have been repainted indoors and the only thing left are the doors and the trim.
  - The gym floor has been stripped and will be waxed and repainted this week.
  - Tile in the women's restroom has been replaced and new fixtures will go in soon.
  - Hallway flooring will be cleaned and waxed on Monday, December 9.
  - The center is scheduled to reopen on December 16.

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3. Texas Department of Transportation will be hosting their first public meeting of the S. Broadway improvement project on January 28 at the Dayspring Methodist Church. This project covers traffic mobility improvements from W. South Town Drive to FM 2813. It is a major conversion of the corridor to create thru raised traffic lanes along this section and frontage roads to provide access to the commercial and roads along the corridor.
4. Our City staff have exceeded our goal for this year's United Way of Smith County fundraising campaign. They have currently pledged over \$28,000, and the campaign is not over yet. Our goal was for \$25,000, which was \$2,000 more than the previous year's pledges. We are grateful to our employees for the size of their hearts and for Davis Dickson and his campaign team for leading the campaign.

**EXECUTIVE SESSION**- City Council recessed into executive session at 11:14 am

Executive Item No. 1:

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

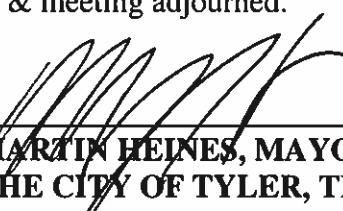
The employment, duties and evaluation of the City Manager.

City Council reconvened from executive session at 11:58 am with no action taken on either item.

**Councilmember Warren did not return from executive session.**

**ADJOURNMENT**

Motion by Councilmember Sellers to adjourn the meeting at 11:59 am; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & meeting adjourned.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

