

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 08, 2020**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 08, 2020 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

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| Mayor: | Martin Heines |
| Mayor Pro Tem: | Bob Westbrook |
| Councilmembers: | Linda Sellers |
| | Don Warren |
| | Broderick McGee |
| | Shirley McKellar |
| | Vacant |
| 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 |
| Managing Director of Administrative Services/HR: | ReNissa Wade |
| Chief Information Officer: | Benny Yazdanpanahi |
| City Fire Chief: | David Coble |
| Police Chief: | Jimmy Toler |
| Managing Director of Culture, Recreation and Tourism Services: | Stephanie Franklin |
| Director of Utilities: | Jimmie Johnson |
| Manager, Water Utilities System, Operation & Maintenance: | Tim Moore |
| City Clerk: | Cassandra Brager |

INVOCATION

The Invocation was given by Councilmember McKellar.

MINUTES

Motion by Councilmember Warren to approve the October 8, 2019 and October 23, 2019 minutes; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

ZONING

- Z-1 PD19-037 CHM II LLC (3855, 3913, AND 3955 UNIVERSITY BOULEVARD)**
Request that the City Council, upon appeal, consider approving a zone change from “C-1”, Light Commercial District to “PMXD-1”, Planned Mixed-Use District with a final site plan.

Mark Priestner, 3815 Old Bullard Road – Stated that the applicant/developer is asking to table the item for 90 days because applicant does not believe that it is in the best interest for the area to be developed as C-1. The applicant would like to have time to speak with

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residents to come up with solutions that would benefit all. If denied, it would set applicant back for 6 months which would mean that it goes away as a PMXD-1 altogether. The goal is to table it for 90 days and try to come up with a solution, but if not, then applicant said that he would pull it and develop the property as C-1.

Councilwoman Sellers asked, "What could be the solution?"

Mr. Priestner replied- decreasing the building size and adding more buffer to the back side.

Councilman Westbrook – Asked, "Is this was the same developer that developed the restaurant row?"

Mr. Priestner replied no, that this a different group out of Dallas.

Richard Leonardi, 3512 Lakemont Dr. - Stated that he was representing two property owners associations within the Woods Development (Story Lake POA and Story Lake Estates POA), both of which continue to oppose the proposed development as discussed. Mr. Leonardi encourage the Council not to approve the developer's request to table the item based on the Planning and Zoning Commission's denial on December 3, 2019, and tremendous opposition displayed during the Commission Meeting. In addition, the association is not interested in any dialogue with the developers, regardless of Council's decision.

Joe Shrader, 3503 Oak Knoll Drive (Woods subdivision) - Stated that he was completely opposed to the proposed rezoning proposal for several reasons: He believes the rezoning will bring drugs, loud parties, gang activity, and lower property values. Businesses that are currently there fit in for student's recreational activities but they are not the right kind of activities.

Charles Colman, 3616 Brookview Court – Stated that 3 out of 9 of the commercial buildings are being used; the others have been vacant for months. Why build more businesses when the community cannot support the ones that are already there? Environmental issue exists. There is currently a drainage ditch/creek behind the rear of the homes on Brookview Court, as well as the vacant property in question that are overtaxed during heavy rainstorms. The flow is so strong and violent that some of the homes already have erosion during heavy rainfall. If the plan were approved it would only worsen the problem. This development will only lower the property values because they will not have strict rules and regulations that current property owners have.

William Ozanos, 3718 Winding Way – Stated that the proposed development does not fit the city's definition of PMXD-1, that they can't just provide it for student housing since it goes against Fair Student Housing Act, and that it is not a location for students.

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James Sheridan, 3525 Woods Boulevard – Stated that there is an abundance of commercial space that is not currently being used, so why do we need more? The size of the apartments increase the likelihood of having two to three students in one apartment and that would mean there will be too many residents.

Ronald Stutes and Donna Dozier, 3413 Ridgebluff Circle; Secretary/President of the Woods Garden Club HOA; HOA strongly opposes both the development and the proposal to table the request. Mr. Stutes stated that he had compiled a petition signed by 230 signatures from neighbors and residents, who oppose the development zoning change.

Ken Wheeler (Wheeler Development) 3519 Lakemont Drive- Stated that he was not anti-development but was opposed to tabling the project. Mr. Wheeler stated that multifamily and single family units next to each other is not a good idea, but he is not opposed to businesses being there.

Councilman Westbrook – Stated that the developers are looking for different pieces of property to develop. Empty buildings do not add value to anything. The right businesses need to move in. 90 days will not make a difference. There needs to be a new solution or set of ideas for that property.

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

- Z-2 PD19-038 COPELAND POINT LLC AND COPELAND POINT OWNERS ASSOCIATION INC (6115 NEW COPELAND ROAD)**
Request that the City Council consider approving a “PCD”, Planned Commercial Development District final site plan amendment. (O-2020-1)

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

- Z-3 S19-010 IGLESIA DE DIOS JESUSCRISTO (520 WEST BOW STREET)**
Request that the City Council consider approving a Special Use Permit amendment for the installation of a radio antenna for an indefinite period of time. (O-2020-2)

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

- Z-4 Z19-040 SHEFFIELD RONALD (1817 NORTH ENGLEWOOD AND 1818 NORTH CONFEDERATE AVENUE)** Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “PCD”, Planned Commercial Development District with written narrative. (O-2020-3)

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

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- Z-5 Z19-041 BOHLMAN RITA ANN STAPLES (1950 EAST GRANDE BOULEVARD)**
Request that the City Council approve a zone change from "AG", Agricultural District to "C-2", General Commercial District. (O-2020-4)

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

- Z-6 PD19-035 CHAPEL WOODS DEVELOPMENT LTD (3695 OLD OMEN ROAD)**
Request that the City Council approve a zone change from "R-1A", Single-Family Residential District to "PUR", Planned Unit Residential District with a final site plan. (O-2020-5)

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McGee; 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-2** Request that the City Council consider authorizing the City Manager to purchase two utility tractors with a six-foot rotary cutter with City specified options from Kelly Tractor and Equipment in the amount of \$74,086.00.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase two 2021 HV607 Hippo Service trucks from Southwest International through Texas BuyBoard contract #601-19.
- C-A-4** Request that the City Council consider declaring one used 2013 Chevrolet Tahoe Police Patrol unit 12854 to be surplus property and approve the attached inter-local agreement authorizing the sale of unit 12854 to the Edgewood Independent School District Police Department.
- C-A-5** Request that the City Council consider authorizing the City Manager to purchase three additional dump trucks from the lowest bidder, Hall Volvo, for \$74,743 each for a total purchase cost of \$224,229.00.
- C-A-6** Request that the City Council consider authorizing the City Manager to award new auto rental leases to the companies of EAN Holdings, LLC, dba National Car Rental; EAN Holdings, LLC, dba Enterprise Rent-A-Car; and Hertz Corporation, dba Hertz, for the operation of rental car concessions at Tyler Pounds Regional Airport.
- C-A-7** Request that the City Council consider declaring certain City of Tyler vehicles, equipment, and miscellaneous items as surplus and authorize for auction.

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- C-A-8 Request that the City Council ratify the expenditure of \$91,198.80, for the Mandated Public Water System Fee to the Texas Commission on Environmental Quality.**
- C-A-9 Request that the City Council consider receiving a patronage dividend refund check in the amount of \$3,275.89 from FirstChoice Cooperative and a rebate check in the amount of \$4,460.00 from BuyBoard, The Local Government Purchasing Cooperative.**

Motion by Councilmember Warren to approve all consent items; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

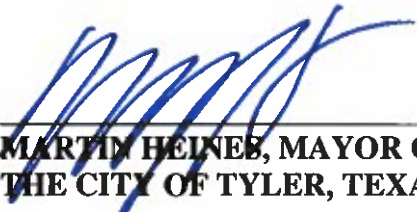
1. Legacy Trail Grant Application Update: Texas Department of Transportation over the past few months has been working to refine the list of projects that the Texas Transportation Commission will be considering for existing funds only. Due to the immense effort to evaluate the large volume of applications received, they currently anticipate the Commission to consider the award of Safety Routes to School and Nonurban Transportation Alternatives projects in early 2020.
2. Plaza Tower Move: The move to Plaza Tower is almost here! Main Street, Liberty, Visit Tyler and Heart of Tyler are gearing up to make the move on February 1. Staff visits the space weekly to address construction issues, design of the Visitor Center, plan furniture layout, signage and the functionality of the new art gallery. The new location will truly be a destination. This space would allow for resources and ideas to be shared, as well as the ability for visitors and citizens to stop in one place and have the opportunity to speak with multiple corresponding departments and organizations related to the promotion of Tyler.
3. Last week the city kicked off FitCity with NetHealth. The program will be running until May.
4. Elections are coming up and filing dates are January 15, 2020 and February 14, 2020.
5. The State of the City is scheduled for May 20, 2020.

Councilwoman Sellers asked about tracking usages on Legacy Trail; City Manager replied that the City does not have that data now.

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ADJOURNMENT

Motion by Councilmember Warren to adjourn the meeting at 10:02 am; seconded by Councilmember McKellar; motion carried 6 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

