

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE
CITY OF TYLER, TEXAS
July 10, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 10, 2019 at 9:00 a.m. in the City Council Chambers, 2nd 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 Chris Sudduth
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
Interim Main Street Director:	Amber Rojas
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Director of Neighborhood Services:	Raynesha Hudnell
Operations Manager of Neighborhood Services:	Prentice Butler
Police Chief:	Jimmy Toler
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
City Engineer:	Lisa Crossman
Managing Director of Utilities and Public Works:	
Director of Utilities:	Jimmie Johnson
Street Department Manager:	
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Pastor Danny McKellar.

MINUTES

Motion by Mayor Pro Tem Sellers to approve the May 8, 2019 minutes; seconded by Councilmember McGee; motion carried 7-0 & approved as presented.

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Motion by Councilmember Warren to approve the May 15, 2019 minutes; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented

ZONING

Z-1 PD19-012 WEST CUMBERLAND LLC (114.86 ACRES OF LAND) Request that the City Council consider approving a zone change from “AG”, Agricultural District and “PCD”, Planned Commercial District to “R-1B”, Single-Family Residential District, “PMF”, Planned Multifamily District with a written narrative, “RPO”, Restricted Professional Office District, “C-1”, Light Commercial District, and “PMXD-1”, Planned Mixed Use District with a written narrative. (O-2019-52)

John Hart – 1839 Bent Tree Lane - President Hollytree Home Owners Association; Spoke in opposition of item unless developer agrees to lower the density of four specific tracts, and to limit the access to Hollytree Drive and other protections to adjacent residential streets.

Mark Loughmiller, 7418 Princedale – Spoke in opposition of item unless developer agrees to lower the density of four specific tracts, and to limit the access to Hollytree Drive and other protections to adjacent residential streets. Tracts 4 and 5 should have the 50-foot buffer

Mark Priestner, 3815 Old Bullard Rd. – Stated that significant changes were made prior to the meeting because they wanted to make the area sustainable.

Robert Inlow, 7224 Princedale - (Resident of Bishop’s Gate) – Spoke in opposition of the item, stating that the proposal would increase traffic congestion for the Bishop’s Gate area.

Gordon Bryson, 2205 Thornwood – (Resident of Bishop’s Gate) – Spoke in opposition of the item, stating that the traffic impact on the current residential area would be negative. Bryson stated an alternate plan acceptable to the impacted residents has been presented during several of the public meetings, but has been rejected by the City. Mr. Bryson stated that if the Council respects the wishes of hundreds of Tyler tax-paying citizens and follows the provisions of the Tyler 1st Plan, it will reject this application with the recommendation that the parties work together to come to an agreeable and responsible zoning plan.

Steve Roosth, 3310 S Broadway (Developer) – Stated that his family has owned the land for 30 years and he spoke in favor of the item.

Request that the City Council consider approving a zone change from “AG”, Agricultural District and “PCD”, Planned Commercial District to “R-1B”, Single-Family Residential District, “PMF”, Planned Multifamily District with a written narrative, “RPO”, Restricted Professional Office District, “C-1”, Light Commercial District, and “PMXD-1”, Planned Mixed Use District with a written narrative, with the following conditions:

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Tract 9 – if developed as an Assisted Living development, then access is limited to Maple Drive and the density is limited to 12 units per acre. (Councilmember Sellers opposed)

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 1 & approved as amended. (5 minute recess)

ELECTIONS

- E-1 Request that the City Council consider canvassing the returns of the City Council Runoff Election held June 29, 2019, for District No. 3, and adopting an ordinance declaring the results. (O-2019-52a)**

District No. 3, For City Councilmember

Shirley McKellar	203 Votes
Pamela Phoenix	173 Votes

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

- E-2 Request that a certificate of election and the Oath of Office be administered to the newly elected City Councilmember for District No 3.**

City Councilmember, Sandra Lee, of Kennedale administered the Oath of Office to newly elected City Councilmember, Shirley McKellar.

RESOLUTION

- R-1 Request that the City Council consider approval of a resolution reserving the right to reimburse expenditures with proceeds of future debt. Said expenditures, in the amount of \$947,824, will be incurred upon the execution of the contract with Quadex Lining Systems to perform the previously approved (Item M-3, 06/26/19) Western Seal manhole remediation package for the Consent Decree. (R-2019-32)**

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

- R-2 Request that the City Council consider authorizing the City Manager to execute a contract with Vortex Services in the amount of \$321,065.50 for the Cured-In-Place-Pipe Package, BOND-CD-001-GM04 BuyBoard rehabilitation project and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2019-33)**

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

Mayor exits

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- R-3 Request that the City Council authorize the City Manager to sign the application for the 2019 Better Utilizing Investments to Leverage Development “BUILD” Grant and approve a Resolution of Support to enhance South Broadway infrastructure and streetscaping from Front Street to Erwin Street. (R-2019-34)**

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

Mayor enters

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a Notice of Intent and submit the revised Tyler Texas Pollutant Discharge and Elimination System Phase II MS4 Stormwater Management Plan to the Texas Commission on Environmental Quality.**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute an Interlocal Agreement with Smith County related to Smith County’s Stormwater Management Plan.**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute a contract with Baker & Company Construction for the construction of the Vehicle Services Parking Lot Reconstruction project in the amount of \$211,112.90. (pulled from the agenda)**



- M-4 Request that the City Council consider authorizing the City Manager to execute a contract with C.E. Marler and Associates, Inc. for the construction of the Community Development Block Grant (CDBG) Sidewalk Improvements near Austin Elementary project in the amount of \$330,889.75.**

Motion by Councilmember McKellar; seconded by Councilmember Sudduth; motion carried 7 - 0 & approved as presented.

- M-5 Request that the City Council consider ratifying staff action authorizing reimbursements to Dixon Services Inc. for payments to property owners for easements and right-of-way for the Cambridge Road project in the amount of \$69,377.82.**

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

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- M-6 Request that the City Council consider authorizing the City Manager to execute a contract with Benchmark Design Group for the design, construction management, and construction inspection of the Cloverdale Drainage Improvements project in the amount of \$440,500.**

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

- M-7 Request that the City Council consider authorizing the City Manager to sign an Architectural and Design Agreement from The C.T. Brannon Corporation for an amount not to exceed \$62,900 to develop architectural and engineering plans for Fun Forest Park pool and splash pad repurpose project and Woldert Park splash pad repurpose project. This includes an amount not to exceed \$14,000 for the finalization of construction administration of both parks whose construction was already approved under bid 19-019; further request the City Council also rescind funding authorized for Buy Board vendor Whirlix Design Inc., in the amount of \$850,991.**

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

- M-8 Request that the City Council consider approval of an Interlocal Agreement between the City of Tyler and the Smith County Emergency Services District (ESD #2) for fire and first responder services.**

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

- M-9 Request that the City Council consider ratifying expenditures in the amount of \$435,221.67 for all work performed on the emergency repair and replacement of approximately 600 feet of 42-inch sanitary sewer main and associated manholes located at the 1600 block of WNW Loop 323.**

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

BOARD APPOINTMENTS

- B-1 Request that the City Council consider approving nominations to the Tyler One Half Cent Sales Tax Corporation Board from District Nos. 3 and 6.**

Motion by Councilmember Sudduth to appoint John Nix to represent District No 6 on the Half Cent Sales Tax Board; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented. District No. 3 will be appointed at the next meeting.

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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 application for and acceptance of a Texas Department of Transportation (TxDOT) Grant for Urban State Funds in the amount of \$417,234.

C-A-2 Request that the City Council consider authorizing the City Manager to execute a Personal Services Contract with Charles H. Samson, III for design and project management of City of Tyler capital improvement projects in the amount of \$50,000.

C-A-3 Request that the City Council consider ratifying expenditures in the amount of \$83,801.31 for the rental of emergency pumps to provide sanitary sewer flow during the repairs to the 42-inch sanitary sewer main and associated manholes located at the 1600 block of WNW Loop 323.

C-A-4 Request that the City Council consider ratifying expenditures in the amount of \$45,675.63 for all work performed on the emergency repair of a 54-inch sanitary sewer main located just north of the 6100 block of State Highway 110 North.

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

CITY MANAGER'S REPORT

1. Police Department held their church and quarterly meeting on June 28, 2019 at St. Louis Baptist Church.
2. Online permitting and submittals are now available.
3. At the June 27, 2019, NET Health board meeting, George Roberts announced that he had been named the incoming President of the National Association of County and City Health Officials (NACCHO).

ADJOURNMENT

Motion by Councilmember Warren to adjourn the meeting at 11:56 am; seconded by Councilmember Sudduth; motion carried 7 - 0 & approved as presented.

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



Martin Heines
MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS