

**903MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
August 28, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 28, 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  
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  
Managing Director of Administrative Services/HR: ReNissa Wade  
Chief Financial Officer: Keidric Trimble  
City Fire Chief: David Coble  
Police Chief: Jimmy Toler  
Chief Building Official: Tim Johnson  
Managing Director of Culture, Recreation and  
Tourism Services: Stephanie Franklin  
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 Mayor Pro Tem Westbrook.

## **MINUTES**

Motion by Mayor Pro Tem Westbrook to approve the June 26, 2019 minutes; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

## **AWARDS**

**A-1** We would like to 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 **145** years of service with the City of Tyler.

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**Service Awards**

| Date of Hire | First Name | Last Name | Title              | Department | Years of Service |
|--------------|------------|-----------|--------------------|------------|------------------|
| 8/8/1999     | Theofalus  | Ross      | Crew Leader        | Streets    | 20               |
| 8/9/1994     | Thomas     | Whitworth | Police Officer XII | Police     | 25               |
| 8/29/1994    | Lance      | Parks     | Police Officer XII | Police     | 25               |
| 8/29/1994    | Ronny      | Tekell    | Police Officer XII | Police     | 25               |
| 8/29/1994    | Jude       | Carpenter | Police Officer XII | Police     | 25               |
| 8/29/1994    | James      | Holt      | Police Officer XII | Police     | 25               |

**HEARING**

**H-1** Request that the City Council consider conducting a public hearing for August 28 and September 11, 2019 on the proposed Fiscal Year 2019-2020 Annual Budget and on the proposed property tax rate of \$0.2599 per \$100 of taxable property value and consider taking action to adopt the proposed tax rate and Fiscal Year 2019-2020 Annual Budget on September 25, 2019.

**City Manager, Edward Broussard** – Presented the proposed Fiscal Year 2019-2020 Annual Budget.

**Sheila Torres, Governmental Affairs Director of Greater Tyler Association of Realtors** Stated that raising property taxes are bad for her industry. Property taxes will impact the real estate market and buyers and sellers alike will be forced to factor estimated taxes to make purchasing decisions. Even if the tax rate goes down from last year, it is still a property tax increase, if it brings in more revenue.

**Sheila Torres**, - Asked that the City Council not place the burden of balancing the budget solely on the backs of property owners and to look for other avenues to balance the budget to keep families in their homes, thus allowing them to continue to be a valuable part of this community.

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**Mayor Heines** – Stated, “I would assume that being in a real estate industry it’s a good idea to have nice streets to sell a house on, is that correct?”

**Sheila Torres** –Responded, “Yes, sir.”

**Mayor Heines** - Asked, “So how do we pay for streets?”

**Sheila Torres** - Stated that, “There should be another avenue without raising property taxes.”

**Mayor Heines** - Stated, “Well there’s not, because if you have reviewed our budget, our budget has no extra fluff in it. We had a history in this community of when we had extra money we would put it into street maintenance.”

Mayor Heines stated that when he came to this council they were putting maybe \$300,000 (a year) into streets. “When Council did that, they were not keeping up with the quality of the streets. So if you want to sell houses, if you want your customers to be happy, which we want them to be, then we have to have money to take care of the streets.”

Mayor Heines stated that the City Council hired a Consultant in 2016 to assess the streets. At the time, the city had seen a decrease in an index that measures the quality of the streets.

“Your homebuyer expects the great quality of fire department work and police work that we do. We are never going to cut that budget again. So yes, we have some excess from the last two years. We are putting that in a reserve fund.”

“The amount going into the street maintenance fund is 1 cent of the tax rate. That is in addition to another 1-cent increase in fiscal year 2017 for the same purpose.” Mayor Heines stated that he has pushed the dedication of 2 cents of property tax revenue for streets.

He also described the struggles the city went through when sales and use tax revenue declined.

Councilman McKellar agreed with Mayor Heines and stated that she lives in north Tyler, and her streets have been in need of repair for quite some time. Councilmember McKellar stated, “By the time she pays for new tires that she buy frequently because of bad streets, or when she pays for vehicle maintenance, she embraces the increase in the taxes.”

Mayor Pro Tem Westbrook made the motion to close the public hearing at 9:40 am; seconded by Councilmember McKellar.

## **ZONING**

- Z-1 Z19-019 ZUNIGA RAFEL (2522 INDUSTRIAL AVENUE) Request that the City Council consider approving a zone change from “M-2”, General Industrial District to “R-1B”, Single-Family Residential District. (O-2019-66)**

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

- Z-2 Z19-020 RV RETAILER TEXAS II REAL ESTATE LLC (10926 US HIGHWAY 69 NORTH) Request that the City Council consider approving a zone change from “AG”, Agricultural District to “C-2”, General Commercial District. (O-2019-67)**

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

- Z-3 Z19-021 BRAD WATSON (2051 EAST GRANDE BOULEVARD) Request that the City Council consider approving a zone change from “AG”, Agricultural District to “C-2”, General Commercial District. (O-2019-68)**

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

- Z-4 Z19-022 TYLER INTERPRETERS (809 EAST ERWIN STREET) Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “C-2”, General Commercial District. (O-2019-69)**

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

- Z-5 C19-003 GWENDOLYN P. WRIGHT (AN UNIMPROVED PORTION OF RIECK ROAD) Request that the City Council consider approving the closure of an unimproved portion of Rieck Road. (O-2019- 70)**

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

### **MISCELLANEOUS**

- M-1 Request that the City Council considers ratifying a contract extension with TXU Energy, through First Choice Purchasing Cooperative, for the purchase of electricity beginning May 1, 2024 and extending through April 30, 2031.**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a contract with IPR South Central in the amount of \$2,119,511.00 for the Pipe Burst**

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**Package, BOND-CD-001-GM05 BuyBoard rehabilitation project and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2019-47)**

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

**M-3 Request that the City Council consider changing the regular City Council Meeting date of October 9, 2019 to Tuesday, October 8, 2019.**

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

## **ORDINANCE**

**O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 19, "Utilities", Article X, "Water Conservation/Emergency Demand Management Plan" in order to update quantifiable goals for water usage and water utility data as reported in the City's 5-year update to the Water Conservation and Emergency Demand Management Plans, as required by the Texas Commission on Environmental Quality and the Texas Water Development Board. (O-2019-71)**

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

**O-2 Request that the City Council adopt an Ordinance amending Chapter 6 of the Code of Ordinances of the City of Tyler, Texas, by deleting local regulations related to building products, materials or methods for the construction, rehabilitation, or alteration of most residential and commercial buildings that are more stringent than regulations found in any of the last three published national model codes. (O-2019-72)**

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

**City Council took a 10-minute recess at 10:14 am and then came back in session at 10:40 am.**

## **BOARD APPOINTMENTS**

**B-1 Request that the City Council consider making appointments and re-appointments to various City Boards**

### **Airport Advisory Board**

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Motion by Councilmember Warren to re-appoint Robert Campbell, John Barber Jr. and James Wynne; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

### **Animal Care Board**

Motion by Mayor Pro Tem Westbrook to re-appoint Mary Clifford; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

City Council recommended that the City Clerk bring back two more applications at a later meeting.

### **Zoning Board of Adjustments**

Motion by Councilmember Westbrook to reappoint David Hudson; seconded by Councilmember Sudduth; motion carried 7 - 0 & approved as presented.

Motion by Mayor Heines to appoint Michael Donley, Tim Hunt and Preston Smith; seconded by Mayor Pro Tem Westbrook; motion carried 7 - 0 & approved as presented.

### **Civil Service Commission**

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

### **Construction Board of Adjustment & Appeals**

Motion by Councilmember McGee to re-appoint Jion Dietz, and John McKinney and appoint Alfred Pate III; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

### **Disability Issues Review Board**

Bring item back to City Council when more applications are received.

### **Historical Preservation Board**

Motion by Mayor Heines to appoint W. Michael Hurley, Tracy Hurst and Dorothy Franks; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

### **Industrial Development Corp**

Bring item back to City Council when more applications are received.

### **Library Board**

Bring item back to City Council when more applications are received.

### **Keep Tyler Beautiful**

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Motion by Mayor Heines to re-appoint Shannon Franzen, Lisa Williams, Joseph Spire, John Muller, Jesse Crowder Jr., Kristina Suberbielle, Frank Barat and Daniel Gamez; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

Motion by Mayor Heines to appoint Archie Castleberry Jr. as Chair; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

### **Main Street Board**

Motion by Councilmember McGee to appoint William Childs, Stan Anderson, Russell Patterson, Marty Crawford, Chad Humphries, Carleen Dark and Ed Moore; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

Motion by Councilmember McGee to appoint Ed Moore as Chair; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

### **Neighborhood Revitalization Board**

Motion by Mayor Heines to re-appoint Vicki Jackson, and John Barnett; seconded by Mayor Pro Tem Westbrook; motion carried 7 - 0 & approved as presented.

### **NETPHD**

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

### **Parks**

Motion by Councilmember McKellar to re-appoint Karen Christie, Justin Fenley, and Jim Cousineau; and appoint Paul Wick, Justin Hargrove and Shawana Flowers; seconded by Councilmember Sudduth; motion carried 7 - 0 & approved as presented.

Motion by Mayor Heines to appoint Karen Christie as Chair; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

### **P&Z Commission**

Motion by Mayor Pro Tem Westbrook to re-appoint Pamela Phoenix, Jimmy Reed and Blair Swaim; and appoint Thomas Nichols and John Landes; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

### **Traffic**

Bring back to City Council when more applications are received.

### **CONSENT**

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**(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 apply for and accept thirteenth year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation.
- C-A-2** Request that the City Council consider approving the attached request and authorize the Mayor to accept Smith County 9-1-1 District participation funding for part of the computer purchase for Computer Aided Dispatch (CAD) for Tyler Police Department in the total amount of \$250,000 with an annual payment of \$50,000 awarded to the City of Tyler.
- C-A-3** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending June 30, 2019.
- C-A-4** Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending June 30, 2019.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute multiple Release and Termination of Drainage Easements along South Fleishel Avenue.
- C-A-6** Request that the City Council consider authorizing the City Manager to sign a new lease agreement with the United States Government for Transportation Security Administration (TSA) lease space in the Tyler Pounds Regional Airport Terminal Building.
- C-A-7** Request that the City Council consider approving the Smith County 9-1-1 Communications District Proposed FY 2019-2020 District Operating Budget.

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

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

1. Tyler Pounds Regional Airport received the final official boarding numbers from Frontier Airlines for the month of July. We calculate them having an 89% load factor for their first month of operations in Tyler. This is very good results and we hope to remain a strong airport location for Frontier. American Airlines plans to add a fifth flight beginning in September. Their boarding's show growth compared to the last two years. We recorded a 13% increase year-to-date compared to last year.
2. Please take note of the new KaBOOM! Blue Cross Blue Shield Community Build Playground coming on Sept. 21 to Gassaway Park. We need volunteers to help with the build so let your friends know.



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3. Annual entrance examination for potential new fire fighters will be conducted this Friday, August 30, 2019, at the Tyler Rose Garden.
4. Note of praise to Bob McComb with our Traffic Engineering Department for striping the parking lot at Harvey Hall for the football season.

**ADJOURNMENT**

Motion by Councilmember Warren to adjourn the meeting at 10:38 am; seconded by Mayor Pro Tem Westbrook; motion carried 7 - 0 & meeting adjourned.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

