

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 25, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 25, 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
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
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
Legal Secretary:	Patricia Peralta

**INVOCATION**

The Invocation was given by Mayor Pro Tem Westbrook.

**MINUTES**

Motion by Councilmember Sellers to approve the July 24, 2019 minutes; seconded by Councilmember Warren; 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. These employees represent **160** years of service with the City of Tyler.

**Service Awards**

Date of Hire	First Name	Last Name	Title	Department	Years of Service
09/11/1999	Laurie	Shelleen	Billing Supervisor	Water	20
09/09/1999	Gregory	Allen	Fire/Driver/Engineer	Fire	20
09/09/1999	Ronald	Bogenschutz	Fire Captain IV	Fire	20
09/09/1999	George	Bostock	Firefighter X	Fire	20
09/09/1999	Keith	Tate	Firefighter X	Fire	20
09/29/1989	Johnny	Green	Police Officer XII	Police	30
09/15/1989	Donald	Martin	Police Officer XI	Police	30

**A-2** Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2018-2019 Budget document from the Government Finance Officers Association of the United States and Canada.

**ZONING**

**Z-1** **N19-002 TYLER JUNIOR COLLEGE (ADAIR STREET TO METKE DRIVE)**  
Request that the City Council consider approving a thoroughfare name change from Adair Street to Metke Drive.

**David Hudson, 412 Rose Circle Dr.** – Spoke in favor of changing the street name to Metke Drive.

**Juan Mejia** – Thanked the City Council for their support and spoke in favor of changing the street name to Metke Drive so that the college could continue to celebrate the legacy of Dr. Mike Metke.

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 7 - 0 & approved as presented. (O-2019-74)

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- Z-2 PD19-023 PARK OF EAST TEXAS INC (4554 HIGHWAY 64 WEST) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District and “M-1”, Light Industrial District to “PCD”, Planned Commercial Development District with written narrative (5.65% protest).**

**Heather Nick, Managing Director of Planning & Economic Development** - Stated that the written narrative would prohibit other more intense C-2 uses that are not affiliated with the general fair activities and includes an undisturbed buffer of 50 feet along the southwest park subdivision to the west, which is developed with the single-family homes.

**Terry Howlett-5353 Patton Circle**: Spoke in opposition to item citing concerns with increased noise, parking, and security that would accompany the development. Mr. Howlett stated that if the City approves this zoning, he and his neighbors are requesting that the City would at least consider a sound barrier like a wall, some parking restrictions, and security.

**Mark Priestner, 3815 Old Bullard Rd** (Planning Concepts – Consultant for Applicant): Spoke in favor of the item. Mr. Priestner recommended that an undisturbed buffer be required instead of a sound wall, and stated that the City already has ordinances in place that would address any sound and parking issues that would accompany the Fair development.

Motion by Councilmember McGee; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented. (O-2019-75)

- Z-3 Z19-025 ANDRE CRAWFORD (805 NORTH GLENWOOD BOULEVARD) Request that the City Council consider approving a zone change from "RPO", Restricted Office District to “C-1”, Light Commercial District.**

Motion by Councilmember McGee; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented. (O-2019-76)

- Z-4 Z19-027 BOHLMAN RITA ANN STAPLES (2051 GRANDE BOULEVARD) Request that the City Council consider approving a zone change from “AG”, Agricultural District to “C-2”, General Commercial District.**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember Sudduth; motion carried 7 - 0 & approved as presented. (O-2019-77)

- Z-5 Z19-026 DEHAVEN INVESTMENTS LTD (1417 EAST EARLE STREET) Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District and “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. (O-2019-78)**

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

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**Z-6 Z19-023 JENNINGS RUTH JULIET (1011 WEST NUTBUSH STREET) Request that the City Council approve a zone change from “R-1B”, Single-Family Residential District to “R-1D”, Single-Family Attached/Detached Residential District.**

Motion by Councilmember McKellar; seconded by Councilmember Sudduth; motion carried 7 - 0 & approved as presented. (O-2019-79)

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to execute a contract amendment with Halff Associates in the amount of \$147,000 for additional services related to the Preliminary Engineering Water Utility System Inventory project.**

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

**M-2 Request that the City Council consider authorizing the City Manager to execute a commercial lease agreement with BMC Entertainment, Inc. care of Brent Allen for the long-term operation of the Lake Tyler Marina Resort.**

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 and updating fees and other applicable adjustments to Tyler City Code Chapter 6 relating to Building and Structures, Chapter 8 relating to Parks and including hours of operation and exceptions thereto, and with amendment to not increase the rental rate for the Senior Center, Chapter 9 relating to Library membership fees for seniors and veterans, Chapter 12 relating to Airport and Transit, Chapter 16 relating to Solid Waste Disposal Regulations, Chapter 17 relating to parking meter fees, and Chapter 19 relating to Water and Sewer.**

**Speakers:** Wayne Carter spoke in opposition to the proposed increase to the Senior Center rental rates. (Staff clarified that the said previously proposed rental rate increase was no longer included in this Budget)

**Councilmember Sellers moved to adopt an Ordinance** amending and updating fees and other applicable adjustments to Tyler City Code Chapter 6 relating to Building and Structures, Chapter 8 relating to Parks and including hours of operation and exceptions thereto, and with a current amendment to not increase the rental rate for the Senior Center, Chapter 9 relating to Library membership fees for seniors and veterans, Chapter 12 relating to Airport and Transit, Chapter 16 relating to Solid Waste Disposal Regulations, Chapter 17 relating to parking meter fees, and Chapter 19 relating to Water and Sewer;

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Motion was seconded by McGee; motion carried 7 - 0 & approved as amended by Council. (O-2019-80)

**O-2 Request that the City Council consider adopting the Fiscal Year 2019-2020 proposed budget ordinance, amending the Fiscal Year 2018-2019 budget, and authorizing the City Manager to execute the outside agency contracts for Fiscal Year 2019-2020.**

Council opened public hearing for Budget at 10:24:46.

Council closed public hearing seeing no one coming forward to speak on the budget at 10:24:58.

Mayor Heines requested that, in future years, the Council consider creating a rainy day fund to assist public safety budgets for Fire and Police, as sales tax declines.

City Council took a **record vote** to adopt the proposed Fiscal Year 2019-2020 Annual Budget with the current amendment to not increase the rental rate for the Senior Center, and to amend the Fiscal Year 2018-2019 budget, and to authorize the City Manager to execute particular outside agency contracts budgeted for Fiscal Year 2019-2020;

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

**RECORD VOTE BY:**

District 1 Council Member Linda Sellers	Aye
District 2 Council Member Broderick McGee	Aye
District 3 Council Member Shirley McKellar	Aye
District 4 Council Member Don Warren	Aye
District 5 Council Member Bob Westbrook	Aye
District 6 Council Member Criss Sudduth	Aye
Mayor Martin Heines	Aye

and approved as presented. (O-2019-81)

**O-3 Request that the City Council consider adopting the property tax rate ordinance of \$0.259900 cents per \$100 valuation for Fiscal Year 2019-2020.**

Councilmember Westbrook made a motion by saying:

**“I move that the property tax rate be increased by the adoption of a tax rate of \$0.259900 cents per \$100 dollars of appraised value, which is effectively a 7.96 percent increase in the tax rate.”** Seconded by Councilmember Warren

**RECORD VOTE BY:**

District 1 Council Member Linda Sellers	Aye
District 2 Council Member Broderick McGee	Aye
District 3 Council Member Shirley McKellar	Aye

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District 4 Council Member Don Warren.	Aye
District 5 Council Member Bob Westbrook	Aye
District 6 Council Member Criss Sudduth	Aye
Mayor Martin Heines	Aye

and approved as presented. (O-2019-82)

**O-4 Request that the City Council consider approval of an Ordinance amending Tyler City Code Chapter 2 to adopt a policy to allocate two-cents of the City's ad valorem tax rate towards annual street improvement and maintenance in Fund 103, Street Improvement Fund.**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented. (O-2019-83)

## **BOARD APPOINTMENTS**

**B-1 Request that the City Council consider making appointments and re-appointments to the Airport Advisory Board, Animal Care Advisory Board, and the Tyler Public Library Board.**

Motion by Councilmember Warren to appoint **Amir Mirmiran** to Airport Board and to appoint **Lindsey Birdsong** as Chair of the Airport Board; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Sellers to appoint Marjorie Ream and Andrew Rodriguez to the Animal Care Advisory Board; seconded by Mayor Pro Tem Westbrook; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Sudduth to re-appoint Sheila Austin and Brenda McWilliams to the Library Board; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented. City Council asked that the Library Board to make a recommendation.

## **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 City Manager to extend the annual price agreements to the vendors Ables-Land Inc., Aramark Uniform Services and Office Depot for office furniture and equipment, copy paper, uniform/floor mat rental and office supplies for one year beginning October 1, 2019.**

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- C-A-2** Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the vendors, Core & Main LP, Ferguson Waterworks, and APSCO Supply for ductile iron fittings, ductile iron pipe, water meter boxes and lids, and water and sewer new install and repair products for the fiscal year beginning October 1, 2019.
- C-A-3** Request that the City Council consider authorizing the City Manager to approve the agreements with various cooperative groups, whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives for fiscal year, October 1, 2019, through September 30, 2020.
- C-A-4** Request that the City Council consider authorizing the City Manager to award the purchase of Conbraco/Apollo Double Check Detector Assemblies to MacArthur Gauge, Incorporated during the Fiscal Year 2019-2020.
- C-A-5** Request that the City Council consider authorizing the City Manager to declare Tyler Water Utilities scrap brass, copper, water meters, ductile iron, cast iron and miscellaneous metals as surplus and award Bid Number 19-067, to Tyler Iron & Metal Co. Inc. of Tyler, Texas for the fiscal year beginning October 1, 2019.
- C-A-6** Request that the City Council consider authorizing the City Manager to utilize APAC/Texas Bitulithic and Sewer Equipment of America as sole source for the Water Utilities Service Center's equipment parts and aggregate materials used in routine work and service during Fiscal Year 2019-2020.
- C-A-7** Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of water meters, transceiver units, and register units during Fiscal Year 2019-2020.
- C-A-8** Request that the City Council consider authorizing the City Manager to extend the annual price agreement to EKO Vegetation Managers, LLC for Roadside & Drainage Way Herbicide Spray Program for one year beginning October 1, 2019.
- C-A-9** Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Asphalt/Street Materials to TexasBit; Ready Mix Concrete to Martin Marietta; and Utility Cut Base Repair Material to J & S Sand & Gravel for the Fiscal Year beginning October 1, 2019.
- C-A-10** Request that the City Council consider awarding sealed bids opened August 27, 2019 to Praxair, Pencco, Airgas Specialty Products, Tanner Industries, Brenntag Southwest, Chameleon Industries, Premier Magnesia, Polydyne, CarbPure Technologies, and Petra Chemical Company for the annual price agreements for the purchase of various water and wastewater treatment chemicals for the fiscal year October 1, 2019 through September 30, 2020.

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- C-A-11** Request that the City Council consider authorizing the City Manager to approve the use of Analytical Environmental Lab, of Tyler, Texas, Ana-lab of Kilgore, Texas and Lower Colorado River Authority Environmental Laboratory Services of Austin, Texas as sole sources for certain testing services during Fiscal Year 2019-2020.
- C-A-12** Request that the City Council consider authorizing the City Manager to execute Amendment No. 1 of Commercial Lease Agreement with Peppard Properties Ltd doing business as (dba) The Boulders at Lake Tyler changing the monthly rental charge and adjusting the boundaries of the leased area known as The Boulders at Lake Tyler.
- C-A-13** Request that the City Council ratify expenditures in the amount of \$67,911.57 to A.E. Shull & Company for all work performed on the repairs to an 8-inch sanitary sewer line creek crossing, and reinforcement of a 30-inch sanitary sewer main located off Paluxy Drive.
- C-A-14** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order and the release of final retainage in the amount of \$23,242.63 to Reynolds and Kay Ltd., for the Old Bullard Road at West Mud Creek Drainage Improvements.

This Ordinance was Previously Approved on 9/11/2019 – Removed from the Consent items.

**C-A-15** Request the City Council consider adopting an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2019 rate review mechanism ("RRM") filing.

- C-A-16** Request that the City Council consider authorizing the City Manager to execute an Easement and Right-of-Way agreement with Oncor Electric Delivery Company LLC to provide electrical service to City-owned property at 801 West Gentry Parkway.

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

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

1. The Service Day/KaBoom! Build Day at Gassaway Park was a success. Over 250 volunteers showed up from all across the community and built the entire playground in six hours.
2. Texas Park and Wildlife notified the City that they have approved the revised Parks, Recreation and Open Space Master Plan that was submitted for review. The Master Plan is a primary step to being competitive for future Texas Parks and Wildlife grant opportunities.
3. The Tyler Fire Department participated in the North Little Rock Combat Challenge, testing the skill of professional firefighters from around Arkansas and nearby states. Competitors race head-to-head through competitions that simulate the physical demands of real-life



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firefighting by performing five tasks throughout the course including climbing a 5-story tower, hoisting, chopping, dragging hoses and rescuing a life-sized 175 lb. victim, all while wearing full bunker gear and a Scott 5.5 Air-Pak self-contained breathing apparatus. The Tyler Fire Department won gold at this event.

4. The Tyler Municipal Court recently invited all of the municipal and justice courts of Smith County to attend the first annual Class C Consortium of Smith County. This event launched an annual luncheon program to provide a forum for these similarly situated courts to meet and exchange practices, procedures, and issues commonly shared. The goal is to hold the event in a different court every year to encourage hospitality and familiarity among the active courts.

**EXECUTIVE SESSION**- City Council convened into executive session at 10:46 am.

Executive Item No. 1:

Under Texas Gov't Code Section 551.072 "Real Estate" deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City.

City Council reconvened from executive session at 11:13 a.m. with no action taken.

**ADJOURNMENT**

Motion by Councilmember Warren to adjourn the meeting at 11:13 a.m.; seconded by Councilmember McGee; motion carried 7-0 & meeting adjourned.

  
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MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

**A T T E S T:**

  
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CASSANDRA BRAGER, CITY CLERK

