

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
October 23, 2019**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 23, 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 (out)  
Councilmembers: Linda Sellers  
Don Warren  
Broderick McGee  
Shirley McKellar  
Criss Sudduth

City Manager: Edward Broussard (out)  
Acting City Manager/City Fire Chief: David Coble  
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 Librarian: Ashley Taylor  
Chief Building Official: Tim Johnson  
Managing Director of Culture, Recreation and  
Tourism Services: Stephanie Franklin  
Managing Director of Planning &  
Economic Development: Heather Nick  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Reverend Luckenbach, Christ Episcopal Church.

**MINUTES**

Motion by Councilmember Warren to approve the August 14 and August 28, 2019 minutes; seconded by Councilmember Sellers; motion carried 6 - 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 contributions you make to our organization. They represent 85 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
09/13/1999	Cassandra	Brager	City Clerk	Legal	20
10/04/1999	Brenda	Choy	Circulation Supervisor	Library	20
10/11/1999	Keidric	Trimble	Chief Financial Officer	Finance	20
10/01/1994	Mamie	Johnson	Custodian	Parks & Rec	25

Councilman Chris Sudduth left Council chambers before the discussion of Item Z-1

**ZONING**

**Z-1 C19-004 860 ROYAL HILLS LLC (UNIMPROVED RIGHTS-OF-WAY) Request that the City Council consider approving the closure of unimproved portions of Delmar Street and Juniper Lane.**

Motion by Councilmember Warren; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented. (O-2019-91)

**Z-2 Z19-028 RUTTER PETER JOHN (113 WEST RUSK STREET) Request that the City Council consider approving a zone change from "AR", Adaptive Reuse District to "RPO", Restricted Professional Office District.**

Motion by Councilmember Warren; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented. (O-2019-92)

**Z-3 Z19-032 SUN RIN (7120 PALUXY DRIVE) Request that the City Council consider approving a zone change from "AG", Agricultural District to "C-1", Light Commercial District.**

Motion by Councilmember Sellers; seconded by Councilmember McKellar; motion carried 5 - 0 & denied as presented.

**Z-4 Z19-030 1721 SOUTH BROADWAY LLC (1721 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "C-2", General Commercial District.**

John Scritdefield and Cindy Rudd – Spoke in favor of the zoning change.

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Motion by Councilmember Warren; seconded by Councilmember McGee; motion carried 5 - 0 & denied as presented.

**Councilman Sudduth returned to Council chambers after vote on Z-4**

**Z-5 Z19-031 DEWBERRY OPAL THOMPSON ESTATE (3309 SEATON STREET)  
Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "C-1", Light Commercial District.**

Motion by Councilmember McGee; seconded by Councilmember Sudduth; motion carried 6 - 0 & approved as presented. (O-2019-93)

## **ORDINANCE**

**O-1 Request that the City Council adopt an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by updating fees and by making other applicable adjustments to plan reviews and other development-related services.**

Motion by Councilmember Warren; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented. (O-2019-94)

## **RESOLUTION**

**R-1 Request that the City Council consider adopting a Resolution authorizing the filing of one application with the East Texas Council of Governments (ETCOG) for a Regional Solid Waste Grant, and authorizing the acceptance and use of any grant(s) if awarded, authorizing the acceptance of any increases in grant funding levels, and authorizing the Solid Waste Department to take all actions needed to receive and expend grant funds.**

Motion by Councilmember McGee; seconded by Councilmember Sudduth; motion carried 6 - 0 & approved as presented. (R-2019-51)

**R-2 Request that the City Council authorize the City Manager to execute an Engineering Services Contract for engineering services in an amount not to exceed of \$425,000 with Adams Consulting Engineers, Inc. in conjunction with Adams Engineering for the Private Lateral Program Administration, Design, and Resident Project Representative Services for Consent Decree Group 1 projects, and to approve a Resolution reserving the right to reimburse expenditures with proceeds of future debt.**

Motion by Councilmember Sellers; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented. (R-2019-52)

**R-3 Request that the City Council authorize the City Manager to execute a contract with T Construction, LLC in the amount of \$2,795,552.00 for the Point Repair Package, BOND-CD-001-GM07 Standard Bid, 19-037, rehabilitation project and to approve a Resolution reserving the right to reimburse expenditures with proceeds of future debt.**

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Motion by Councilmember Sellers; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented. (R-2019-53)

- R-4** Request that the City Council authorize the City Manager to execute a contract with Reynolds and Kay, LTD in the amount of \$1,638,418.00 for the Open Cut Package, BOND-CD-001-GM06a Standard Bid, 19-038, rehabilitation project and to approve a Resolution reserving the right to reimburse expenditures with proceeds of future debt.

Motion by Councilmember Warren; seconded by Councilmember Sudduth; motion carried 6 - 0 & approved as presented. (R-2019-54)

- R-5** Request that the City Council approve a Resolution authorizing an engagement agreement for bond counsel legal services associated with utilities fund debt issuances with Norton Rose Fulbright US LLP and other matters in connection therewith.

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented. (R-2019-55)

## MISCELLANEOUS

- M-1** Request that the City Council approve a payment of \$94,954.07 to A.E. Shull for creek crossing repair, as related to the Consent Decree.

Motion by Councilmember Sellers; seconded by Councilmember Sudduth; 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 adopt a Resolution authorizing the sale of certain tracts of land located at Britton within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-56)

- C-A-2** Request that the City Council adopt a Resolution authorizing the sale of certain tracts of land located at 602 North Bois D'Arc within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-57)

- C-A-3** Request that the City Council adopt a Resolution authorizing the sale of certain tracts of land located at 2213 Walton Road within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2019-58)

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

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**CITY MANAGER'S REPORT**

1. Kudos goes out to the Tyler Fire and Police Department, they teamed up together in the appreciation of the First Responders appreciation tournament at Letourneau University in Longview this past weekend and won 1<sup>st</sup> place.
2. Last week we had a great time with the Sister City of Yachiyo, Japan.
3. Recent rains has delayed Southside Park grand opening so we are looking at the grand opening being in mid-November.
4. Kudos to the Tyler Fire Department for responding to the Fire at Wal-Mart.
5. Tomorrow is Councilmember McGee's birthday.

**EXECUTIVE SESSION** – City Council recessed into executive session at 10:11 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 reconvenes from executive session at 10:48 am. Councilmember Sellers did not return to the Council chambers.

The Mayor stated that, "The City has contracted with a broker, Range Realty, to sell seven (7) certain tracts of real property that the municipality owns. The real property has been listed for over 30 days with a multiple-listing service, which has produced a willing and able buyer."

ES-1 Request that the City Council authorize the City Manager to execute a Contract of Sale with TD Land Management to sell seven certain tracts of land, which include three lots located on West Ferguson St. and four lots located on West Erwin St., for the purchase price of \$3.25 per/sq. ft. (or \$479,922.30),

Motion by Councilmember Warren; seconded by Councilmember Sudduth; motion approved 5-0.

**ADJOURNMENT**

Motion by Councilmember Warren to adjourn the meeting at 10:53 am; seconded by Councilmember McGee; motion carried 5 - 0 & meeting adjourned.

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MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

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CASSANDRA BRAGER, CITY CLERK

