

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
March 28, 2018**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 28, 2018 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: Don Warren  
Councilmembers: Linda Sellers  
Darryl Bowdre  
Ed Moore  
John Nix  
Bob Westbrook

City Manager: Edward Broussard  
City Attorney: Deborah G. Pullum  
Deputy City Attorney: Steve Kean  
Assistant City Attorney: Regina Moss  
Chief Information Officer: Benny Yazdanpanahi  
City Fire Chief: David Coble  
Police Chief: Jimmy Toler  
Managing Director of Culture, Recreation and  
Tourism Services: Stephanie Rollings  
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  
Managing Director of Utilities and Public Works: Scott Taylor  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Bowdre.

**MINUTES**

**Consider approval of the Minutes of the Regular Called Meeting of the City Council of the City of Tyler, Texas on February 14, 2018.**

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

**AWARDS**

**A-1** Request that the City Council recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere

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appreciation for your dedication and for the special contribution you make to our organization. They represent 275 years of service with the City of Tyler.

**Service Awards**

Date of Hire	First Name	Last Name	Title	Department	Years of Service
1/2/1998	Matthew	Houk	Firefighter X	Fire	20
3/11/1998	Wendell	Gardner	Police Sergeant III	Police	20
3/9/1998	Beverly	Mullenax	Senior PS Telecommunicator II	Police	20
3/11/1998	William	Moore	Police Officer X	Police	20
3/23/1998	Gene	Lewis	Commercial Sales	Solid Waste	20
1/5/1998	Emerson	Jasper	Police Officer X	Police	20
1/26/1998	Diane	Ballard	Identification Technician	Police	20
1/18/1993	John	Weaver	Police Officer XII	Police	25
1/14/1988	Gregg	Roberts	Police Officer XII	Police	30
1/14/1988	Bart	Lemon	Police Officer XII	Police	30
1/25/1988	Cindy	Jackson	Cataloging Specialist	Library	30

**A-2** Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

Russ Jackson presented Leroy Sparrow with the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

**A-3** Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

Russ Jackson presented Shirlene Black with the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

**PRESENTATIONS**

**P-1** Request that the City Council consider hearing a presentation from the Tyler Sister Cities, Inc. Board regarding new Sister City in Quijing, China.

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Mr. Buddy Holland gave a presentation on the Sister City in Quijing, China.

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

- P-2 Request that the City Council consider hearing a presentation and approving the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2017 as presented by Gollob Morgan Peddy PC.**

**Kevin Cushion, Gollob Morgan & Peddy, PC** – Gave a brief presentation on the Annual Financial Report.

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


## **ZONING**

- Z-1 C18-001 TYLERTEX HOLDINGS, LLC (PORTION OF ROWLAND PLACE) Request that the City Council consider approving the closure of an unpaved portion of Rowland Place. (O-2018-28)**

Speakers:

Jim Hetland (Hetland Family Trust) – Not objecting to the zoning; has concerns about drainage issues

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

-  **Z-2 Z18-001 HUMBERTO RODRIGUEZ (2730 WALKER STREET) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1B”, Single-Family Residential District. (O-2018-29)**

Motion by Councilmember Bowdre; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

- Z-3 Z18-008 BENJAMIN DURAN JR (1001 MAGNOLIA DRIVE) Request that the City Council consider approving a zone change from “RPO”, Restricted Professional Office District to “R-1B”, Single-Family Residential District. (O-2018-29)**

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


- Z-4 Z18-010 JUAN GONZALEZ (515 EAST HOUSTON STREET) Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District to “R-1B”, Single-Family Residential District. (O-2018-30)**

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Motion by Councilmember Bowdre; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

- Z-5 Z18-011 LUIS LEANDRO (2008 FOSTER STREET) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1B”, Single-Family Residential District. (O-2018-31)**

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

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- Z-6 Z17-042 JAMES A. HAYNES (ONE ACRE TRACT OF LAND) Request that the City Council consider an appeal of the Planning and Zoning Commission’s denial of a zone change from “R-2”, Two-Family Residential District to “M-1”, Light Industrial District.**

Speakers:

Alan Haynes, 3312 Shady Cove St. – (Property Owner) Spoke in favor of the zoning  
Narcene Jackson, 835 S Clark – Opposed to the zoning  
Donald Sanders, 1020 S Buckley Ave –Opposed to the zoning

Motion by Councilmember Moore to deny the zone change; seconded by Councilmember Bowdre; motion carried 7 - 0 & denied as presented.

**MISCELLANEOUS**

- M-1 Request that the City Council consider accepting a donation from the Smith County District’s Attorney’s Office in an amount not to exceed \$105,000.00 and authorizes the Tyler Police Department to utilize the funds to purchase safety and operational equipment.**

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

- M-2 Request that the City Council consider authorizing the City Manager to enter into an Interlocal Facility Affiliation Agreement with Tyler Junior College for use of the Animal Services’ Shelter for teaching purposes.**

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

- M-3 Request that the City Council consider ratifying a contract between S&S Roofing, Inc. and the City of Tyler for the labor, materials, and equipment for roof restoration of the Fun Forest Swimming Pool Facility in the amount of \$29,972.00.**

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

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**M-4 Request that the City Council consider authorizing the City Manager to enter into a contract with Pennco, Inc. to provide complete odor control service to the City of Tyler's Southside Wastewater Treatment Plant and Shackelford Lift Station in an amount not to exceed \$86,000 annually.**

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

**M-5 Request that the City Council consider authorizing the City Manager to execute a contract with Aqueous Engineering to perform the Rockwood Drainage Study in an amount not to exceed \$44,775.**

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

**M-6 Request that the City Council consider authorizing the City Manager to execute a Pre-Development Services Agreement with Garfield Public/Private LLC in connection with planning, design and construction of a hotel convention center at the Rose Complex.**

**Speakers:**

**Ray Garfield, 6306 Stonehill Dr.** (Proposed Developer) – Gave a summary of potential plans for the Hotel Conference Center (HCC).

**Mark Whatley, 909 ESE Loop 323** – Had questions concerning the new site and how it was selected.

**Dillip Patel, 2828 NNW Loop 323** - In favor of the proposed site. Mr. Patel suggested that the convention center be built first and then the City should see what size and type of hotel is needed.

**Cheryl Sartain, 10233 CR 2301, Arp, Tx.** - (Residence Inn & Hotel Association Board member) – No preference on a particular location. Ms. Sartain stated that the HCC will be beneficial for the area hotels.

**Matt Wilson, 4056 Lively Lane** (Village of Cumberland Park, "VCP") – In opposition to the proposed site. Mr. Wilson stated that the VCP project donated property to the City based on the City's prior representations that the HCC would be located at an adjacent site. Mr. Wilson stated that the Villages at Cumberland Park and adjacent property owners have made investments in anticipation of that location for the HCC.

**Bob Garrett, 823 Colonial Circle** – In opposition to the proposed site because he was involved in the Villages at Cumberland Park project, and during the inception of that project the City made representations that the HCC would be located at that south site. Mr. Garrett stated that the Villages at Cumberland Park and adjacent property owners have made investments in anticipation of that location for the HCC.

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**Shari Lee, 315 N Broadway** (Visit Tyler) – Stated that the market indicates that the hotel occupancy rates are flat and the average daily rate is down. Ms. Lee stated that she believes the City needs a Hotel Conference Center to be a driver for bringing people to Tyler. She stated that a 200 room hotel would be useful because overflow will go to the other hotels. 20,000 square feet of meeting space would be a useful starting place, but other successful markets are from 25,000 – 40,000 square feet.

**Tom Mullins, 315 N Broadway** – Requested that the City Council open up reconsideration of other sites, like the Bellwood site, for the location of the HCC. He stated that the Bellwood site has been identified by state and national entities as a preferred location for a conference center.

**Jeff Shirley, 901 Trenton Dr.** (President of Tyler Lodging Association) – Stated that hotel owners are ready for the HCC to come to fruition, as soon as possible. All of the hotel entities will benefit from the City's action. Mr. Shirley requested that the City make a decision to identify a site and do the deal as soon as possible.

Motion by Councilmember Nix to deny the Pre-Development Services Agreement; seconded by Councilmember Sellers; motion carried 7 - 0 & denied 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 consider authorizing the City Manager to approve the purchase of Dell Servers, Software and installation/configuration to expand hosting capacity.
- C-A-2** Request that the City Council consider adopting an Ordinance that adopts a new Rate Review Mechanism (RRM) tariff to govern future annual rate filings by Atmos Mid-Tex. (O-2018-32)
- C-A-3** Request that the City Council consider authorizing the City Manager to approve the Landlord Consent to Assignment & Estoppel Certificate between ETMC and Ardent Health Partners, LLC, for purposes of the operation of a Radio Communications Tower located at 825 North Glenwood Boulevard, Tyler, Smith County, Texas.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase in-car computers to be used in the Tyler Police and Fire Departments' Vehicles.
- C-A-5** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2017.
- C-A-6** Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending December 31, 2017.

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- C-A-7** Request that the City Council consider authorizing the City Manager to execute Easement and Right of Way agreements to relocate electrical lines on City-owned property in the Peninsula West Subdivision at Lake Tyler.
- C-A-8** Request that the City Council consider authorizing the City Manager to execute a contract amendment with Halff Associates on the Comprehensive Storm Water Master Plan in the amount of \$20,500.
- C-A-9** Request that the City Council consider ratifying Assignment and Assumption of Multiple Use Agreements for the pedestrian overpasses across Beckham Avenue and Hospital Drive and authorize the City Manager to sign all documents necessary to implement the Assignments.

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

## **CITY MANAGER'S REPORT**

### **EXECUTIVE SESSION**

Executive Item No. 1:

Under Texas Gov't Code Section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to a prospect, and to consider financial and other information about that prospect/project with which the City is conducting economic development negotiations that could lead to a partnership in Tyler.

Executive Item No. 2:

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, related to the development of municipal facilities.

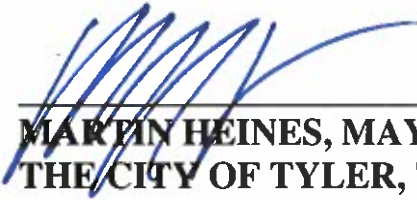
Any final action to be taken by the City Council will be taken in open session.

**No executive session needed.**

## **ADJOURNMENT**

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Motion by Councilmember Bowdre to adjourn the meeting at 1:15pm; seconded by Councilmember Nix; motion carried 7 - 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



The seal is circular with a dotted border. Inside the border, the words "CITY OF TYLER" are written in an arc at the top, and "TEXAS" is written at the bottom. In the center, the word "SEAL" is written in a bold, serif font, flanked by two horizontal lines with dots in the middle.