

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 26, 2018**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 26, 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:	Linda Sellers
Councilmembers:	Don Warren Broderick McGee Ed Moore John Nix Bob Westbrook
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
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
City Librarian:	Ashley Taylor
Director of Neighborhood Services:	Raynesha Hudnell
Operations Manager of Neighborhood Services:	Prentice Butler
Police Chief:	Jimmy Toler
Project Engineer:	
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
Managing Director of Utilities and Public Works:	Scott Taylor
Director of Utilities:	Jimmie Johnson
Street Department Manager:	Robin Smart
Traffic Engineer:	
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Moore.

**MINUTES**

Motion by Councilmember Westbrook to approve the August 22, 2018 minutes;  
seconded by Mayor Pro Tem Sellers; 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 95 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
9/9/1998	Duane	Starling	Utilities Construction Inspector	Storm Water	20
9/14/1998	John	Thompson	Code Enforcement Housing Inspector Supervisor	Neighborhood Services	20
9/7/1993	Mike	Norris	Manager, Waste Water Utilities Systems	Waste Treatment	25
9/22/1988	Margaret	Carrico	Administrative Assistant	Fire	30

ZONING

**Z-1 Z18-029 LEONARD COOPER (2927 FRANKSTON HIGHWAY) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2018-72)**

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

**Z-2 Z18-030 SOHO CONSTRUCTION INC (3304 VAN HIGHWAY) Request that the City Council consider approving a zone change from "R-MF", Multi-Family Residential District to "PCD", Planned Commercial Development District with final site plan. (O-2018-73)**

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

**Z-3 Z18-031 CHRISTOPHER KASTMO (2800 OLD OMEN ROAD) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2018-74)**

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

**Z-4 Z18-026 SOUTHEAST TEXAS CLASSIC REAL ESTATE INC (1628 AND 1632 WOODLAND HILLS DRIVE, 3708 OLD JACKSONVILLE HIGHWAY AND 3274 PROFESSIONAL DRIVE) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District and "C-2", General Commercial District to "PCD", Planned Commercial Development District with final**

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site plan and amend the existing "PCD", Planned Commercial Development District site plan. (O-2018-75)

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

**MISCELLANEOUS**

**M-1 Request that the City Council consider awarding a Life Insurance/Voluntary Term Life Insurance contract to Minnesota Life for the calendar year starting January 1, 2019 with a five year rate guarantee.**

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

**M-2 Request that the City Council consider renewing the Vision Insurance contract with Superior Vision for the calendar year starting January 1, 2019, with a three-year contract rate guarantee with the option to renew at two additional one-year periods.**

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

**M-3 Request that the City Council consider accepting the results of an audit of the City's Pre-65 Retiree population and dependents, and take action with regards to removing those that do not meet eligibility from medical coverage.**

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


**M-4 Request that the City Council approve and enter into a contract with McGriff, Seibels and Williams for the total purchase price of \$682,682 for Property and Casualty Insurance, Innovative Risk Management for Third Party Claim Administration in the amount of \$32,298, and Bosworth and Associates for the purchase of Special Events Liability Insurance with a deposit premium of \$2,000 for fiscal year 2018-2019 as the second of two (2) one year renewal options authorized September 28, 2016.**

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


**M-5 Request that the City Council approve and enter into a contract with Hibbs-Hallmark & Company for Excess Workers Compensation for a total purchase price of \$86,298 and Claims Administrative Services for Workers Compensation Third Party Claim Administrative Services for a total purchase price of \$32,088 for fiscal year 2018-2019 as the second of two (2) one year renewal options authorized September 28, 2016.**

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

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- M-6 Request that the City Council consider authorizing the City Manager to accept bids for concrete work from JPJ Construction, in the amount of \$45,995 for the Hillside Park Phase 2 Construction.**

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

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- M-7 Request that the City Council consider authorizing the application for and acceptance of Federal Transit Administration (FTA) Grant Funds passed through to the Texas Department of Transportation (TXDOT) under the Section 5339 Bus and Bus facilities Grant in the amount of \$93,948 along with the acceptance of \$18,790 in Transportation Development Credits (TDC).**

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

- M-8 Request that the City Council consider ratifying staff action for payment in the amount of \$150,583.00 to Reynolds and Kay, LLC for emergency repairs to the storm sewer on Oak Creek Circle.**

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

- M-9 Request that the City Council consider ratifying expenditures in the amount of \$99,276.66 for all work performed on emergency repair and replacement of 800 feet of a 10-inch sanitary sewer main located at South Southwest Loop 323 and Briarwood Drive.**

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

- M-10 Request that the City Council consider authorizing the City Manager to award an On-Call Water Utility, Wastewater Utility and Drainage Systems Repair Services Contract to A.E. Shull & Company.**

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

- M-11 Request that the City Council consider authorizing the release of escrow funds for Cambridge Bend Estates Unit 4 to Cambridge Bend Development, LP.**

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

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**ORDINANCE**

**O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 4 to make clean-up changes by removing unnecessary wording, and updating and clarifying loud noise regulations. (O-2018-76)**

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

**BOARDS**

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

**P&Z Commission**

Motion by Councilmember Westbrook to re-appoint Elizabeth Whitney and Jeb Jones and appoint David Dobbs; seconded by Mayor Pro Tem Sellers; motion carried 5 - 2 & approved as presented. Councilmember McGee and Councilmember Moore opposed.

Motion by Councilmember Westbrook to appoint Jeb Jones as Chair; seconded by Mayor Pro Tem Sellers; motion carried 5 - 2 & approved as presented. Councilmember McGee and Councilmember Moore opposed.

**Zoning Board of Adjustments**

Motion by Councilmember Warren to reappoint Nathan Foreman as a regular member, as well as reappoint Brent Brevard, Judith Guthrie, and John Landes; seconded by Mayor Pro Tem Sellers; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Warren to reappoint Judith Guthrie as Chair; seconded by Mayor Pro Tem Sellers; motion carried 7 - 0 & approved as presented

**Airport Advisory Board**

Motion by Councilmember Nix to re-appoint Lindsey Birdsong, Robert Spivey and Kelly Walker; and appoint Lindsey Birdsong as Chair; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

**Animal Care Board**

Postponed appointments until next meeting.

**Civil Service Commission**

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Motion by Mayor Pro Tem Sellers to reappoint Stuart Hene and appoint Lee Correa; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

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

Motion by Councilmember Moore to re-appoint Joseph Slicker and David Socia, and appoint Will Doran and James Brooks; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Moore to appoint David Socia as Chair; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

### **Disability Issues Review Board**

Motion by Councilmember Nix to reappoint Dorrinda Williams and Amanda Storer, and appoint Michael Cichowicz; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

### **Health Facilities Development Corporation Board**

Motion by Councilmember Westbrook to re-appoint John Allen Bell and Russell Patterson; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

### **Historical Preservation Board**

Motion by Councilmember Nix to re-appoint Zachary Sabota and Christopher Leahy, and appoint Clarence Shackelford and James Rowan; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Nix to appoint Zachary Sabota as Chair; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

### **Industrial Development Corp**

Motion by Councilmember Nix to appoint Cynthia Pinkney; seconded by Councilmember Warren; motion carried 7-0 & approved as presented.

### **Library Board**

Motion by Councilmember Nix to appoint John Musselman, II; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

### **Keep Tyler Beautiful**

Motion by Councilmember Warren to re-appoint Kelby Hill and Archie Castleberry Jr., and appoint Sherri Whatley and Kristina Suberbielle; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

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**Neighborhood Revitalization Board**

Motion by Councilmember Nix to re-appoint Greg Grubb, Kevin Hard and Natalie Bradley; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Nix to appoint Greg Grubb as Chair; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

**Parks**

Motion by Councilmember Warren to re-appoint Lesa Walker and appoint Orenthia Mason, Brittany Childs and Linda Camp; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Warren to appoint Chad Humphries as Chair; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

**NETPHD**

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

**Traffic**

Motion by Councilmember Nix to re-appoint Richard Helfers and Chad Maddux and appoint Antonio Martinez, Jr.; seconded by Councilmember Westbrook; motion carried 7 - 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 consider authorizing the City Manager to extend the annual price agreements to the vendors listed for copy paper and uniform/floor mat rental for one year beginning October 1, 2018.**



**C-A-2 Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the vendors listed 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, 2018.**



**C-A-3 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Asphalt/Street Materials; Sak-**

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Crete/Portland; Ready Mix Concrete; and Utility Cut Base Repair Material for the Fiscal Year beginning October 1, 2018.



**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 2018-2019.



**C-A-5** Request that the City Council consider authorizing the City Manager to utilize various vendors as sole source for parts and service during Fiscal Year 2018-2019.



**C-A-6** 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 2018-2019.

**C-A-7** Request that the City Council consider authorizing the City Manager to approve an agreement with First Choice Cooperative and the National Intergovernmental Purchasing Alliance (NIPA), whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives and to award the purchase of office supplies and office furniture for the fiscal year, October 1, 2018, thru September 30, 2019, from Office Depot of Fort Worth, Texas, through the NIPA contract.

**C-A-8** Request that the City Council consider adopting a Resolution authorizing the City of Tyler's continued participation with the Atmos Cities Steering Committee, and authorizing the payment of two cents per capita (\$2,180.00) to the Atmos Cities Steering Committee to fund regulatory and associated activities related to Atmos Energy Corporation. **(R-2018-32)**

**C-A-9** 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 2018 rate review mechanism ("RRM") filing. **(O-2018-77)**

**C-A-10** Request that the City Council consider authorizing the City Manager to execute an Easement and Right-of-Way agreement with CenterPoint Energy to install gas and communication facilities on City of Tyler Property at Lakeway Road and Cumberland Road

**C-A-11** Request that the City Council consider authorizing the City Manager to purchase Street Sweepers and Police Patrol Equipment from selected vendors through Texas BuyBoard and HGAC as part of the Fleet Replacement program for FY2019.



**C-A-12** Request that the City Council consider awarding sealed bids opened August 28, 2018 to the listed vendors for the annual price agreements for the purchase of various water and wastewater treatment chemicals for the fiscal year October 1, 2018 through September 30, 2019.



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**C-A-13 Request that the City Council consider authorizing the City Manager to execute a renewal of the metropolitan planning area agreement between the City of Tyler, the Tyler Area Metropolitan Planning Organization and the Texas Department of Transportation.**

**C-A-14 Request that the City Council consider authorizing the City Manager to execute a professional services contract with Alliance Transportation Group for an update to the Metropolitan Transportation Plan for the Tyler Area Metropolitan Planning Organization in an amount not to exceed \$150,000.**

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

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

**C-M-R-1 Request that the City Council consider ratification of the appointment of the City Librarian.**

Motion by Councilmember Nix to approve and ratify the City Manager's appointment of Ashley Taylor to the position of City Librarian; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented

**C-M-R-2 Request that the City Council consider ratification of the appointment of the City Engineer.**

Motion by Councilmember Westbrook to approve and ratify the City Manager's appointment of Lisa Crossman to the position of City Engineer; seconded by Mayor Pro Tem Sellers; motion carried 7 - 0 & approved as presented.

1. 2<sup>nd</sup> Annual Parks Service Day at Fun Forest Park, Emmett Scott, City Park and TR Griffith.
2. U T Tyler rock the vote program was held last week.
3. Saturday October 6 we will have our kickoff party for Texas Against Crime at the Faulkner Police Station. This will kick off the next Tuesday night which will be the block parties throughout the City.
4. Water System staff will perform our annual conversion to chlorine beginning on October 18 and will conclude on November 18. We will be notifying TCEQ of our conversion shortly. Utilities staff will work with Communications to make the citizens aware of the conversion and what to expect during the process.
5. The Fall Movies in the Park series will kick-off on Saturday, September 29th at Bergfeld Park at 8 p.m. Movie: "Coco"
6. Joint meeting with Smith County tomorrow at 3:30 pm at the Smith County Commissioners Court.

**EXECUTIVE SESSION** – City Council convened into executive session at 10:51 am

Executive Item No. 1:

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Under Texas Government Code Section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation or settlement offer involving *ETMC EMS, et al v. Champion EMS, et al v. City of Tyler, et al.*

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

City Council reconvened from executive session at 11:38 am with no action taken.

**ADJOURNMENT**

Motion by Councilmember Moore to adjourn the meeting at 11:38 am; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

