

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
December 12, 2018**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 12, 2018 at 9:00 a.m. in the City Council Chambers, 2nd 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
Deputy City Attorney:	Steve Kean
Sr. Assistant City Attorney:	Sharon Roberts
Assistant City Attorney:	Regina Moss
Airport Manager:	Davis Dickson
Managing Director of Administrative Services/HR:	ReNissa Wade
City Fire Chief:	David Coble
Director of Neighborhood Services:	Raynesha Hudnell
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
Managing Director of Planning & Economic Development:	Heather Nick
Managing Director of Utilities and Public Works:	Scott Taylor
Director of Utilities:	Jimmie Johnson
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Heines.

MINUTES

Motion by Mayor Pro Tem Sellers to approve the minutes of the October 24, 2018 meeting; 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

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organization. They represent 115 years of service with the City of Tyler.

Service Awards

Date of Hire	First Name	Last Name	Title	Department	Years of Service
12/01/1993	Jimmy	Toler	Chief of Police	Police	25
12/1/1993	Gary	King	Police Officer XII	Police	25
12/1/1993	Justin	Kuehn	Police Officer XII	Police	25
11/27/1978	Robert	Moon	Fire Captain IV	Fire	40

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.

Chief of Police, Jimmy Toler recognized Det. Jeff Roberts as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

HEARING

H-1 Request that the City Council consider a public hearing for citizen participation for the Neighborhood Services Department's Community Development Block Grant/HOME Consolidated Annual Performance Evaluation Report.

Public Hearing opened at 9:15. No one came forward to speak on this item.
Public hearing closed

PRESENTATION

P-1 Request that the City Council receive a presentation on the results of the 2018 Community Survey conducted by ETC Institute.

ETC Institute administered a survey to residents of the City of Tyler during the summer of 2018. The purpose of the survey was to help the City establish priorities for infrastructure, parks, recreation facilities, programs and services within the community. The City of Tyler will use the data collected to take a resident-driven approach to making decisions that will enrich the future of the community and positively affect the lives of residents. Previous surveys were administered in 2006, 2012, and 2015.

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The goal was to obtain completed surveys from at least 400 residents. A total of 406 residents completed the survey. The overall results for the sample of 406 households have a precision of at least +/- 4.8 percent at the 95 percent level of confidence.

Overall, most respondents have a positive perception of the City of Tyler. Eighty-four percent (84%) of the residents surveyed who shared an opinion indicated that the City of Tyler is either an “excellent” or “good” place to live, eighty-two percent (82%) indicated that the City is an “excellent” or “good” place to raise children, and eighty-two percent (82%) indicated the City is an “excellent” or “good” place to retire. The overall quality of public education (51%) received the lowest percentage of “excellent” and “good” responses from residents.

The major categories of City services that had the highest levels of satisfaction, based upon the combined percentage of “very satisfied” and “satisfied” responses among residents who shared an opinion, were: the quality of public safety services (88%), garbage collection services (79%), quality of the airport (65%), and the quality of parks and recreation programs and facilities (65%). Respondents were least satisfied with the effectiveness of traffic and congestion management in the City. Based on the sum of respondents’ top two choices, the effectiveness of traffic congestion and management (48%) and the maintenance of city streets and facilities (38%) are the two services residents think should receive the most emphasis from City leaders over the next three years.

The assets that respondents believe the City should build upon in the future, based upon the combined percentage of “very strong” and “somewhat strong” responses among residents who shared an opinion, were: medical centers (94%), general quality of life (94%), neighborhoods (91%), higher education institutions (91%), and the financial health of the local economy (88%). Based on the sum of respondents’ top four choices, employment opportunities (34%), medical centers (31%), low City taxes (29%) and the general quality of life (28%) were the four assets respondents believe are most important for the City of Tyler to build upon in the future. Ninety-four percent (94%) of respondents indicated they either “strongly agree” or “agree” that Tyler’s future should include better traffic flow on major City roads. Fifty-four percent (54%) of respondents indicated that better traffic flow on major City roads best represents their vision for the future of the City of Tyler.

The Community Survey results will be utilized during the forthcoming Tyler 1st Comprehensive Plan update as well as for organizational strategic planning.

ZONING

- Z-1 C18-008 KALEO REALTY LLC (UNIMPROVED PORTION OF RIGHT OF WAY)**
Request that the City Council consider recommending the closure of an unimproved portion of unnamed right-of-way located approximately 155 feet east of the southeast intersection of Lindbergh Drive and Southpark Drive and continuing south approximately 250 feet. (O-2018-84)

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Motion by Councilmember Westbrook; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented. Subject to it being re-platted within the next six (6) months.

- Z-2 Z18-034 DUNN PATSY BROUGHTON ESTATE (412 NORTH NORTHWEST LOOP 323) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “C-1”, Light Commercial District.**

Bobby Nicholson – 500 Sunnyhill – Spoke in opposition to zone change. Nicholson stated he believes that the rezoning could bring more traffic and more crime.

Jeanette Brewter – 412 Sunnyhill – Spoke in opposition to zone change. Brewter has lived in the area for 41 years; the rezoning will bring more traffic, which can bring more crime (burglaries).

Motion by Councilmember Moore to approve a zone change from “R-1A” Single-Family Residential District to “RPO” (as recommended by P&Z staff and P&Z Commission), seconded by Councilmember Westbrook; Motion to approve zone change failed by a vote of 0 (for) – 7 (against).

Motion by Councilmember Warren, to Deny Z-2 as presented (zone change from “R-1A” to “C-1”), seconded by Mayor Pro Tem Sellers; Motion carried 7 – 0; Z-2 is DENIED as presented.

(Note: Mayor requested Chief Toler to have the assigned Community Response Officer to contact the neighborhood representatives and set up a meeting regarding the comments about increase in criminal activity in the area).

- Z-3 Z18-035 FIRST CHRISTIAN CHURCH (4202 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “C-1”, Light Commercial District. (O-2018-85)**

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

- Z-4 PD18-026 TYLER BROADWAY SETTLERS LP (113 MARKET SQUARE BOULEVARD) Request that the City Council consider approving a “PCD”, Planned Commercial Development District final site plan. (O-2018-86)**

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

- Z-5 PD18-019 ZB3 PROPERTIES, LLC (2469 EARL CAMPBELL PARKWAY) Request that the City Council consider approving a zone change from “M-1”, Light Industrial District to “PCD”, Planned Commercial Development District with a final site plan. (O-2018-87)**

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

RESOLUTION

- R-1 Request that the City Council receive a presentation regarding the United States 2020 Census and adopt a Resolution supporting and authorizing the establishment of a Complete Count Committee with our partners in Smith County. (R-2018-39)**

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

- R-2 Request that the City Council consider adopting a Resolution providing support for the Tyler Junior College's proposed baccalaureate degree in public safety. (R-2018-40)**

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

Mayor Heines exit

ORDINANCE

- O-1 Request that the City Council consider adoption of an Ordinance authorizing the Mayor to execute a contract with the firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. (PBFCM) to provide services for the collection of delinquent debts and accounts receivables, i.e., fines, fees, court costs, restitution and other debts ordered to be paid by Tyler Municipal Court, and also providing for a fee to defray the costs of collection thereof. (O-2018-88)**

Motion by Councilmember Nix; seconded by Councilmember Warren; motion carried 6-0-1 & approved as presented.

Mayor Heines enters

MISCELLANEOUS



- M-1 Request that the City Council consider authorizing the City Manager to sign a Chapter 380 Business Incentive Agreement with Hiland Dairy Foods, Inc.**

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



- M-2 Request that City Council consider authorizing the City Manager to sign a Memorandum of Understanding (MOU) with the Texas Music Office within the Office of the Governor. Approval of this MOU will be the last step in Tyler becoming a**

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certified Music Friendly Community by the Texas Music Office. Stephanie stated that this is the first step instead of the last step as stated in the caption.

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

M-3 Request that the City Council consider approving the Tourism Booking Policy for the Tourism Facilities.

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

M-4 Request that the City Council consider authorizing the City Manager to execute a proposed Non-Federal Reimbursable Agreement #AJW-FN-CSA-18-SW-001493 between the Federal Aviation Administration (FAA) and City of Tyler to re-configure Runway 4 to a Precision Instrument Runway. The estimated cost is \$1,178,349.45. FAA Grant 41 will reimburse 90 percent of the proposed fees in the amount of \$1,060,514.50. Half Cent Sales Tax will fund the 10 percent local share in the amount not to exceed \$117,834.95 for Tyler Pounds Regional Airport.

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

M-5 Request that the City Council consider authorizing the City Manager to execute a contract with Morton Enterprise for the construction of the 2019 Asphalt Crack Seal Project in the amount of \$371,950.00.

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

M-6 Request that the City Council authorize the City Manager to execute a lease between City of Tyler and Tyler Independent School District related to installation of batting cages.

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

M-7 Request that the City Council consider authorizing the City Manager to enter into an agreement with Huckabee Properties, LLC together with Carr Properties, LLC (jointly referred to as "Property Owner") for partial funding for the construction of the sewer lines from Greenbriar Road Lift Station to Lindsey Park northern most bathroom, and to accept designs from The Brannon Corporation.

Motion by Councilmember McGee; 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 declare Tyler Water Utilities scrap brass, copper, water meters, ductile iron, cast iron and miscellaneous metals as surplus and award Bid Number 19-007, to Tyler Iron & Metal Co. Inc. of Tyler, Texas for the fiscal year beginning award date thru September 30, 2019.

- C-A-2** Request that the City Council consider ratifying staff action of the approval of Change Order No. 1 in the amount of \$54,300 and consider authorizing the City Manager to approve a Reconciliation Change Order and the release of final payment in the amount of \$118,387.40 to Maguire Iron, Inc. for the Well 12 and Well 17 Ground Storage Tank Rehabilitation project.

- C-A-3** Request that the City Council consider authorizing the City Manager to execute an engineering contract with KSA Engineers, Inc. in the amount of \$178,500 for the Troup Highway Standpipe Rehabilitation project and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2018-41)

- C-A-4** Request that the City Council consider authorizing the City Manager to approve payment in the amount of \$101,192.35 to the Texas Commission on Environmental Quality for the Tyler Water Utilities annual water system fee.

- C-A-5** Request that the City Council consider and move to approve the Substantial Amendment to the 2018-2019 Housing Choice Voucher (HCV) Administrative Plan.

- C-A-6** 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-7** Request that the City Council consider entering into a five year agreement with Granicus for Board/Commission, Agenda Maker and web site hosting software.

- C-A-8** Request that the City Council consider authorizing the City Manager to enter into the biannual contract with Focused Advocacy for services during legislative and interim sessions.

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

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CITY MANAGER'S REPORT

1. The Police Department is reporting that they are at 100 percent staffing on police officers as of December 3. There are currently ten officers in the PTO field training program. Three officers will complete the training this month. The remaining six recruits will complete the training in February. Four recruits attending the police academy and three new hire recruits will attend the next academy.
2. Tyler Water Utilities completed their annual free chlorine conversion. As a preventative maintenance measure, the City began converting the disinfectant in the distribution system from monochloramine to free chlorine on October 22. The conversion ended on November 19. Residual measurements across the system show it was a success. There were a total of approximately 52 complaints during the conversion, which is greatly reduced from previous years. We thank the rest of City staff and the citizens for being patient with us during this process.
3. For over a year we have been working with a historian to draft an application to place the Rose Garden on the National Register of Historic Places. This is the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. Being listed on the National Register is a huge honor. The application was presented to the Historic Preservation Board in Tyler on December 5, and will be presented to the State Board of Review (Texas Historical Commission) on Saturday January 12, in Laredo, Texas. This should be the last step before the listing on the National Register. Staff will work to plan an official event to celebrate this occasion.
4. City Clerk, Cassandra Brager will be a proud graduate from the Texas Municipal Clerks Certification Program in late January. She has been putting in many hours of hard work and effort to receive this special formal recognition by the State of Texas. We will be providing more details on this achievement as she is awarded the certification.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 11:10 am

Executive Item No. 1:

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 11:30 am with no action taken.

ADJOURNMENT

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Motion by Councilmember Warren to adjourn the meeting at 11:30 am; seconded by Councilmember Moore; motion carried 7 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

