

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
January 11, 2017**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 11, 2017 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:	John Nix
Councilmembers:	Mark Whatley Linda Sellers Darryl Bowdre Ed Moore Don Warren
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
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
Managing Director of Planning & Economic Development:	Heather Nick
Director of Utilities:	Lisa Crossman
Managing Director of Utilities and Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

## **INVOCATION**

The Invocation was given by Councilmember Bowdre.

## **MINUTES**

Motion by Mayor Pro Tem Nix to approve the November 9, 2016 minutes; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

## **EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

### **A-1 New Hires Recognitions**

The following employees were hired by the City of Tyler during the months of November and December 2016. We would like to take this opportunity to welcome these new employees.

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New Employees

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Joseph	Green	Animal Shelter Tech	Animal Control
Charles	Vivion	Code Services Officer	Code Enforcement
Robert	Mauldin	Multi-Media Specialist	Communications
Lucas	Minyard	Fire Recruit	Fire
Jessica	Contreras	PS Telecommunicator II	Police
Kenyata	Dixson	Account Specialist	Solid Waste
Alexander	Williams	Welder I	Solid Waste
Frederick	Williams	Residential Equipment Operator	Solid Waste
Reshard	Davis	Bus Driver	Transit
Benjamin	Gordon	Laborer	Water
Jason	Mills	Foreman I	Water
Erin	Hammons	PS Telecommunicator II	Police

**ZONING**

**Z-1 PD16-015 TCMJ DEVELOPMENT, LLC (1216 WOODLARK DRIVE) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “PUR”, Planned Unit Residential District with final site plan. (O-2017-1)**

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

**Z-2 PD16-016 WERNER TAYLOR AND WERNER LLC (13.27 ACRES OF LAND) Request that the Planning and Zoning Commission consider recommending a zone change from “RPO”, Restricted Professional Office District and “PUR”, Planned Unit Residential District to “PUR”, Planned Unit Residential District with final site plan. (O-2017-2)**

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

**Z-3 Z16-021 TEXAPLEX PROPERTIES, LLC (2660 EAST FRONT STREET) Request that the City Council consider approving a zone change from “M-1”, Light Industrial District to “C-2”, General Commercial District. (O-2017-3)**

Councilmember Whatley abstained and exited.

Motion by Councilmember Warren; seconded by Mayor Pro Tem Nix; motion carried 6 - 0 & 1. Approved as presented.

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**Councilmember Whatley re-enters after the vote.**

- Z-4 Z16-022 SIMON MUNOZ (111 NORTH BEVERLY STREET) Request that the City Council Consider approving a zone change from "M-1" Light Industrial District to "R-1B", Single-Family Residential District. (O-2017-4)**

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

- Z-5 Z16-023 KEITH GERBER (2001 COLSTON DRIVE) Request that the City Council Consider approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2017-5)**

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

- Z-6 Z16-024 FAYETTE ST ASSOCIATES LLP (2804 EAST ERWIN STREET) Request that the City Council consider approving a zone change from "C-2", General Commercial District to "M-1", Light Industrial District. (O-2017-6)**

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

- Z-7 Z16-025 COOPER PLASTERING INC (2726 EAST ERWIN STREET) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "M-1", Light Industrial District. (O-2017-7)**

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

- Z-8 Z16-026 PETER RUTTER (113 WEST RUSK STREET) Request that the City Council Consider approving a zone change from "RPO" Restricted Professional Office District to "AR", Adaptive Reuse District. (O-2017-8)**

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

- Z-9 F16-058 MYERWOOD ADDITION UNIT 1, THIRD AMENDMENT Request that the City Council consider approving a two lot subdivision containing approximately 2.62 acres of land located north of the northeast corner of Myers Street and Mugsy Drive and and a waiver of escrow for street improvements to Myers Street in the amount of \$6,786. (O-2017-9)**

Motion by Councilmember Whatley; seconded by Councilmember Bowdre; 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 12, by establishing an Airport concession fee for on-site rental car companies, amending ready car rental space fees, prohibiting dual branding at a single leased counter space, clarifying Airport wash bay fees, amending off-site car rental business permit fees and usage, and updating references to the Airport and Airport Terminal Building. (O-2017-10)**

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

City Council thanked Davis Dickson for his hard work and dedication to the City of Tyler.

## **MISCELLANEOUS**

- M-1 Request City Council receive a request from Champ Hospitality, LLC for a time extension to obtain funding Letters of Intent for the proposed Hotel/Conference Center.**

**Joe Champ, Champ Hospitality** – Stated that on September 14, 2016 the City of Tyler entered into a Memorandum of Understanding (MOU) with Champ Hospitality, LLC related to the development of a Hotel/Conference Center (HCC) to be located near the intersection of South Broadway (U.S. 69) and Loop 49 Toll Road. The purpose of the MOU is to summarize the terms for the HCC.

Section 6. Financing, of the MOU states that Champ Hospitality, LLC has one hundred twenty (120) days from the execution date of the MOU to obtain an executed Letter of Intent (LOI) with an equity group and has one hundred eighty (180) days from the execution date of the MOU to obtain an LOI for the financing of the HCC. The deadline for the equity LOI expires on January 12, 2017 and the deadline for the funding LOI is March 13, 2017.

Greg Morgan stated that Champ Hospitality was here to request a 45 day extension. Greg also requested that the dates for extensions be date specific so the Letter of Intent (LOI) with an equity group will need to be in by March 1, 2017 and the deadline for the equity LOI for the funding is May 1, 2017.

Motion by Mayor Pro Tem Nix; seconded by Councilmember Whatley; motion carried 6 - 1 & approved as presented. Councilman Bowdre opposed.

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## **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 awarding the bid for the Demolition and Reconstruction of one (1) single-family dwelling unit.
- C-A-2** Request that the City Council consider authorizing the City Manager to award new Auto Rental Leases to the companies of Hertz Corporation, dba Hertz; EAN Holdings, LLC, dba National Car Rental; and EAN Holdings, LLC, dba Enterprise Rent-A-Car, for the operation of rental car concessions at Tyler Pounds Regional Airport.
- C-A-3** Request that the City Council consider ratifying an emergency repair not to exceed a total of \$62,530.95 for Love Electric, Inc., to replace airfield lighting components for Runway 13/31, to include new transformers, fixtures, and signage. Project is mandatory to meet FAA standards, and will be 50 percent funded by TXDOT via a match grant.
- C-A-4** Request that the City Council consider receiving a patronage dividend refund check in the amount of \$49,105.62 from FirstChoice Cooperative and a rebate check in the amount of \$682.05 from BuyBoard Cooperative Purchasing.
- C-A-5** Request that the City Council consider ratifying Assignment Agreement and Amended Tax Abatement for VEREIT OFC Tyler TX, LLC to reflect an ownership change and authorize the City Manager to sign all documents necessary to implement the Assignment Agreement and Amended Tax Abatement Agreement.
- C-A-6** Request that the City Council consider ratifying the purchase of goods from Brookshire's Grocery Company in an amount of \$43,915.50.

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

## **BOARD APPOINTMENTS**

- B-1** Request that the City Council consider adoption of an Ordinance approving appointment of three members to the Board of Directors of the City of Tyler Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1), and also appointing a Chairperson of the Board. **(O-2017-11)**

Dean Cagle, Chairperson -2018

Fred Carl - 2019

Bill Hibbs Jr. - 2019

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

**B-2 Request that City Council consider making appointments to the Disability Issues Review Board, and the Traffic Safety Board as well as appointing a Chair to each board.**

Motion by Councilmember Whatley to appoint Janine Kirkegaard to the Disability Issues Review Board; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Whatley to appoint Margaret Rapp as Chair for the Disability Issues Review Board; seconded by Councilmember Sellers; motion carried 7-0 & approved as presented.

Motion by Councilmember Whatley to appoint Ricky Polcer and Robert Dickson to the Traffic Safety Board; seconded by Councilmember Moore; motion carried 7-0; approved as presented.

Motion by Councilmember Bowdre to appoint Philip Matthews as Chair for the Traffic Safety Board; seconded by Councilmember Sellers; motion carried 7-0 & approved as presented.

Motion by Councilmember Whatley to amend the appointment to Robert Dickson and Richard Helfers to the Traffic Safety Board; seconded by Mayor Pro Tem Nix; motion carried 7-0; approved as presented

**B-3 Request that City Council consider making an appointment to the Half Cent Sales Tax Board.**

Motion by Councilmember Sellers to appoint Jeff Buie to the Half Cent Sales Tax Board for an unexpired term; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

**CITY MANAGER'S REPORT**

1. We moved the Community Workshop for the Historic Preservation Strategic Plan from next Thursday, February 2, 2017 to Thursday, February 9, 2017.
2. We opened bids for the Ashmore drainage project. The low bidder for the project is not on our approved contractors application form, but is currently going through the process to get the application updated.
3. On the Planning side, some changes were made going into the new year. The front window hours of the Planning Department is now Fridays from 8-12 (formerly 8-5).

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 10:58 am

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Executive Item No. 1:

Under Tex. 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.

Executive Item No. 2:

Under Tex. 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. 3:

Under Tex. Gov't Code section 551.074 "Personnel Matters" deliberation regarding the following:

The employment, duties and evaluation of the City Manager.

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

City Council reconvened from executive session at 10:04 am with no action taken.

### **ADJOURNMENT**

Motion by Councilmember Bowdre to adjourn the meeting at 11:02 am; seconded by Councilmember Whatley; motion carried 7 - 0 & meeting adjourned.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

