

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 26, 2017**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 26, 2017 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: John Nix
Councilmembers: Mark Whatley
Linda Sellers
Darryl Bowdre (absent)
Ed Moore
Don Warren

City Manager: Edward Broussard
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Sr. Assistant City Attorney: Sharon Roberts

City Engineer: Carter Delleney
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
Street Department Manager: Robin Smart
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Nix.

ZONING

Z-1 Z17-008 TYLER INDEPENDENT SCHOOL DISTRICT (5201 NEW COPELAND ROAD)

Request that the City Council consider approving a zone change from "R-1A" Single-Family Residential District to "RPO", Restricted Professional Office District. (O-2017-35)

Motion by Mayor Pro Tem Nix; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

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- Z-2 Z17-009 JAMES G HALFORD (416 SOUTH BOIS D'ARC AVENUE)**
Request that the City Council consider approving a zone change from "RPO" Restricted Professional Office District to "R-1B", Single-Family Residential District. (O-2017-36)


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

- Z-3 S17-001 NELIDA VALLE (615 CLUB CIRCLE)**
Request that the City Council consider approving a Special Use Permit to allow for a front yard fence for an indefinite period of time. (O-2017-37)

Councilmember Moore – Stated that fences are becoming an issue in his district and the yards look like prison yards, so he cannot continue to vote for fencing in his area whether it's a four foot or an eight foot.

Nelida Valle, 615 Club Circle – Stated that there are a lot of issues in the neighborhood and because of one complaint she is having this issue. Mrs. Valle stated that she has had burglaries at her house, and random people coming up to her house before the fence was put up. Mrs. Valle stated that before the fence was an old chain link fence, but she took it down and improved it; so she would like to keep the fence at four foot if possible.

Motion by Councilmember Moore to deny the SUP; seconded by Councilmember Sellers; motion carried 5 - 1 & denied as presented. (Mayor Pro Tem Nix voted nay.)

-  **Z-4 F17-023 ARANK ALLEN SUBDIVISION, FIRST AMENDMENT**
Request that the City Council consider approving a one lot subdivision containing approximately 0.19 acres of land located east of the southeast intersection of Bois D'Arc Avenue and West Harpole Street and a waiver of escrow of street improvements to Bois D'Arc Avenue in the amount of \$1,831.

Motion by Councilmember Moore; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider accepting the annual review of City of Tyler tax abatements regarding Centene, Fresenius, Hood Packaging, and VME Process systems.**

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

- M-2 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2017 Asphalt Enhancement Program to the lowest bidder, Reynolds & Kay, Limited, in the amount of \$3,171,239.98.**

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Motion by Mayor Pro Tem Nix; seconded by Councilmember Whatley; 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 consider adopting a Resolution authorizing the City Manager to designate Keidric Trimble, City of Tyler Chief Financial Officer, as the City of Tyler's authorized official on JAG Grant funding from the East Texas Council of Governments for Gang Officer for the rest of FY 2016-2017. (R-2017-16)

C-A-2 Request that the City Council consider authorizing Smith County Tax Assessor Collector Gary Barber to refund property taxes in the amount of \$40,250 on behalf of the City of Tyler to Delek Refinery as the result of a settlement with Smith County Appraisal District related to disputed property values.

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making an appointment to the Planning & Zoning Commission.

Motion by Councilmember Sellers to appoint Elizabeth (Beth) Whitney; seconded by Councilmember Whatley; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Since January 1, 2017, Animal Services has received 2,853 calls for service. They have found adoptive homes for 78 cats and dogs and returned 113 pets to their owners; 246 animals were transferred to rescue partners, and there is a 5.29 percent euthanasia rate for the space.
2. On Tuesday, May 9, the City of Tyler Parks Department and Texas A&M Forest Service (TFS) will have a crew mulching the understory along a portion of Rose Rudman Trail. The mulching project is being done to reduce safety concerns of users, increase aesthetics of the trail, remove invasive species, and mitigate hazardous fuel in the wildland urban interface (W.U.I.) The portion to be closed is the length of trail from Rieck Road moving south to Grande Boulevard on Rose Rudman.
3. Troup Highway water line tank & pump station project upcoming completion.
4. Tyler Police Department Annual Report for 2016 now available providing crime statistics.
5. CIP Council summary report was passed out to Councilmembers for review.

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RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:46 am

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.

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

City Council reconvened from executive session at 10:32 am with the following action:

Councilmember Whatley made a motion to authorize staff to take all actions to terminate the LOI and Memorandum of Understanding with Champ Hospitality LLC; Councilmember Warren second the motion; motion carried 6-0 and approved as presented.

Councilmember Whatley made the motion to authorize staff to move forward and work with CBRE to assist with future actions on the Hotel Conference Center project; Councilmember Moore second the motion; motion carried 6-0 and approved as presented.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:37 am; seconded by Mayor Pro Tem Nix; motion carried 6 - 0 & meeting adjourned.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

