

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
July 12, 2017**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 12, 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:	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
Sr. Assistant City Attorney:	Sharon Roberts
Managing Director for Administration:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
City Fire Chief:	David Coble
City Librarian:	Mary Vernau
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
Water Business Office Manager:	Jim Yanker
Managing Director of Utilities and Public Works:	Gordon Mayer
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Mayor Pro Tem Warren to approve the May 17 and May 24, 2017 minutes; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

AWARDS – RECOGNITIONS & SERVICE

A-1 Request that the City Council consider recognizing the 2017 Volunteer of the Year.

David Lee, Jr. currently serves in the Tyler Public Library where he volunteers three days a week for the Resources Services division. He plays a vital role in assisting with donations, online sales and the annual book sale. David is even flexible with his efforts to help with shelving duties when not working with donations. David has volunteered a total of 333.25 hours in the last 12 months. Mr. Lee was unanimously recommended to be the City of Tyler's 2017 Volunteer of the Year.

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

Mayor Heines presented Amber Rojas with the Blueprint Blue Ribbon Award for placing the highest premium on responsiveness to citizens' needs.

PRESENTATION

P-1 Request that the City Council consider hearing a presentation on the major city-related bills from the recently concluded 85th Legislative Session, as presented by Brandon Aghamalian, President of Focused Advocacy.

This item was pulled from the agenda with no discussion and no action.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 4 to adopt current guidelines and criteria for Unlawful Noise in the City of Tyler. (O-2017-49)

Police Chief Toler – Stated that Sec. 4-90 of the City of Tyler Code of Ordinances makes it unlawful to make, continue, or cause to be made any loud or raucous noise, which is offensive to persons in the vicinity thereof and substantially impairs the peaceful enjoyment of public or private property. The proposed amendment will specify the maximum permitted sound levels in all arears and zoning districts within the City of Tyler.

In addition, the proposed amendment will establish guidelines for events to apply for and receive a special use permit and authorization from the designated City official.

Gaylord Hughey Jr. – Stated that he was here on behalf of the Grove Restaurant on Old Jacksonville Rd. He stated that they are in support of a noise ordinance but what they are concerned with is compliance and enforcement. Mr. Hughey stated that the Grove is an ongoing business, and their main concern is how can they comply with the noise ordinance.

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The restaurant has done a lot to try to comply, however, given the way that the ordinance is written there is no specified location from which a decibel reading must be taken. Mr. Hughey stated that the City Council may want to create a music venue separation where you can have certainty regarding decibel levels and methods of measurement.

Mayor Heines stated that it would be a good idea for the Police Department to provide local music venues with information and training on the decibel limitations and measurement criteria contained in the ordinance.

Motion by Councilmember Moore to amend to review ordinance within a year or earlier if necessary; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.



O-2 Request that the City Council consider adoption of an ordinance approving appointments to the Boards of Directors of the Tax Increment Reinvestment Zone No. 3 and Tyler Redevelopment Authority. (O-2017-50)

Mayor Heines, Councilmember Darryl Bowdre, Councilmember Ed Moore, Councilmember Linda Sellers, Councilmember Don Warren, Councilmember Bob Westbrook, Councilmember John Nix, County Commissioner JoAnn Hampton, and Tyler Junior College Board Member, Mike Coker

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



O-3 Request that the City Council consider the adoption of an ordinance amending Ordinance No. O-2016-90 concerning Tax Increment Reinvestment Zone Number 4 by amending the composition of the Board of Directors. (O-2017-51)

Heather Nick Managing Director of Planning & Development, – Stated that on September 28, 2016, and the Tyler City Council reestablished Tax Increment Reinvestment Zone Number 4 (TIRZ No. 4) for the downtown area. Included in the project and financing plans for TIRZ No. 4 is an analysis of historic ad valorem and sales tax revenues, which indicates there is a reasonable certainty the zone will generate resources necessary to accomplish the proposed projects, assuming participation by the City for the full 30 year duration of the zone, and participation by Smith County and Tyler Junior College for at least the first ten years.

Ordinance No. O-2016-90 originally set forth a Board of Directors for the Zone composed of nine members, including seven positions appointed by the Mayor and confirmed by City Council, and two positions appointed by other participating taxing jurisdictions. The proposed amendment will reduce the number of board members appointed by the Mayor and confirmed by the City Council to four (4) members, and provide three (3) board positions to be appointed by the Smith County Judge for the duration of Smith County's participation, and two (2) board positions to be appointed by the TJC Board of Trustees for the duration of Tyler Junior College's participation.

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

RECESS – City Council went into recess at 10:05 am

CONVENE – City Council convened at 10:05 am with the following board members

CITY OF TYLER JOINT MEETING OF THE BOARDS OF DIRECTORS OF THE REINVESTMENT ZONE NUMBER FOUR (#4)

I. Call to Order – Martin Heines, Chair

II. Roll Call – Martin Heines, Chair

- Mayor Martin Heines One/Chairperson
- Councilmember Darryl Bowdre
- Councilmember Bob Westbrook
- Councilmember Don Warren
- Councilmember Ed Moore
- Councilmember John Nix
- Councilmember Linda Sellers
- Commissioner JoAnn Hampton
- Commissioner Jeff Warr
- Leonardo Brown, Smith County
- David Hudson, TJC Board of Trustee
- Sarah Van Cleef, TJC Board of Trustee

III. Presentation – Tax Increment Reinvestment Zone (TIRZ) #4 Project and Financing Plan – Staff Liaison, Heather Nick, Managing Director of Planning & Development

IV. Resolution – Consider adoption of a Resolution approving the Project and Financing Plan for the Tax Increment Reinvestment Zone (TIRZ) #4, and finding that such plan is feasible. (TR-2017-01)

Motion by Councilmember Westbrook; seconded by Commissioner Hampton; motion carried 12 -0 & approved as presented.

Adjourn- meeting adjourned at 10:12 am

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RECONVENE July 12, 2017 CITY COUNCIL MEETING



- O-4 Request that the City Council consider the adoption of an ordinance ratifying the approval of the Project and Financing Plans for Tax Increment Reinvestment Zone Number 4 (TIRZ No. 4) and finding that such plan is feasible. (O-2017-52)**

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

- O-5 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 1 by amending the current Juvenile Case Manager Fee at Municipal Court. (O-2017-53)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to sign a contract with Andrews Diversified Industries of Tyler, Texas, in the amount of \$58,940.00 for the Litter Control Program.**

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

- M-2 Request that the City Council authorize the City Manager to execute an Interlocal Cooperation Contract between City of Tyler Parks and Recreation Department and the University of Texas at Tyler.**

Stephanie Franklin, Managing Director – Stated that the proposed project will provide a certified arborist to oversee the urban forest management programming for the use of the receiving party to retain the beauty of the campus in a sustainable manner.

William O'Donnell, University of Texas at Tyler – Spoke in support of the Interlocal Agreement.

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

- M-3 Request that the City Council receive a presentation from Halff Associates of Richardson, Texas, on the Rose Complex Master Plan and consider adoption of the Master Plan for the Rose Complex.**

Presenter: Rick Leisner, Halff Associates – Gave a brief presentation concerning the Master Plan for the Rose Complex. The Rose Complex, if developed according to the Master Plan, will help grow economic development, increase tourism, and improve the quality of life

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for citizens. The vision of this plan will also increase mobility, parking and safety, entertainment, athletic facilities, neighborhood connectivity, as well as beautify the area with green space and landscaping. Funding for implementation could be initiated from a variety of public/private partnerships, including the Texas Department of Transportation, Texas Parks and Wildlife, Tyler ISD, grants as well as additional programmed Hotel/Motel taxes.

Bobby Land Sr., - Requested that a meeting be set so that the citizens in that area could give input.

Donald Sanders, 1020 S Buckley Ave. – Stated that he was here in support of the Butler College community. The concern that they have is how this would affect Lyons Street and how it would affect south of Front Street. They would not like to see Lyons Street altered or closed in any form. They would like to see improvements on that street rather than re-routing it. Mr. Sanders stated that they were also concerned about how the master plan would affect the property and houses east of the Rose Garden.

Motion by Councilmember Bowdre; seconded by Mayor Pro Tem Warren; approved with amendment to include Lyons Street in the adoption of the Master Plan and to direct staff to send the East Texas Fair entity notice of the City's intent not to renew their lease of the related premises; motion carried 7 - 0 & approved as amended.

M-4 Request the City Council consider adopting a Resolution authorizing the Tyler City Manager on behalf of the Police Department to apply and accept if awarded the COPS Hiring Grant, which will fund salary and benefits for four new officer positions for three years. (R-2017-22)

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

M-5 Request that the City Council consider authorizing the City Manager to award a construction contract in the amount of \$176,436.20 to Reynolds & Kay, Ltd. for the Lake Tyler Concession Road Repair project.

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

M-6 Request that the City Council consider approving a request from Republic Services to increase the Greenwood Farms Landfill posted gate rate from \$8.25 per cubic yard to \$9.25 per cubic yard and increase a special charged Shingle/Roofing rate from \$12.00 per cubic yard to \$13.00 per cubic yard.

James Van Dyke Texas Organic, 2617 N E Loop 323 – Spoke in favor of the item.

Motion by Councilmember Sellers to table for the next three (3) months; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

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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 authorizing the City Manager to execute a letter of agreement for professional advisory services with Valley View Consulting for a two year period, expiring June 30, 2019, effective immediately upon signing of the agreement with an option to extend this agreement in additional one or two year increments upon satisfactory completion of the next two years of service.
- C-A-2** Request that City Council consider conducting the annual investment policy review and approval of an Ordinance adopting the investment policy. (O-2017-54)
- C-A-3** Request that the City Council consider ratifying staff action regarding the Release and Termination of Sanitary Sewer Easements located at 527 West Erwin Street.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase various vehicles from TX Motors on Southwest Loop and Texas Buy Board.
- C-A-5** Request that the City Council consider authorizing the City Manager to award multiple vendors for the annual agreement for various categories of vehicle washing service.

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

CITY MANAGER'S REPORT

1. CIP report handed out.
2. 4th of July event turned out great.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 11:35 am

Executive Item No. 1:

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

1. Pending or contemplated litigation involving Liberty Utilities Corp. (Tall Timbers) v. City of Tyler.

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

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City Council reconvened from executive session at 12:00 am with no action taken.

ADJOURNMENT

Motion by Mayor Pro Tem Warren to adjourn the meeting at 12:00 pm; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

