

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

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 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:	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
Airport Manager:	Davis Dickson
Main Street Director:	Beverly Abell
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
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
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
Water Business Office Manager:	Jim Yanker
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Westbrook to approve the June 14, 2017 minutes; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

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 140 years of service with the City of Tyler.

July 26, 2017

Date of Hire	First Name	Last Name	Title	Department	Years of Service
7/21/1997	Joshua	Green	Police Officer X	Police	20
7/7/1997	Blake	Lockhart	Police Sergeant IV	Police	20
7/7/1997	Donald	Malmstrom	Police Officer X	Police	20
7/9/1997	Dennis	Mathews	Police Officer X	Police	20
7/16/1987	Richard	Drew	Police Sergeant IV	Police	30
7/16/1987	Aureliano	Viramontes	Laborer	Solid Waste	30

ZONING

Z-1 A17-004 KITTRELLS VILLAGE LLC Request the City Council consider adopting an ordinance providing for the voluntary annexation of approximately 15.16 acres of land lying adjacent to the present boundary limits of the City of Tyler located at the northwest intersection of Old Jacksonville Highway and County Road 164 (Mahar Road). Also consider recommending:

- A. The new boundary of the City Limits.
- B. The new boundary of the City Council District #2.
- C. Original zoning of 15.06 acres of "C-1", Light Commercial District. (O-2017-55)

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

Z-2 Z17-014 CVC PHOENIX HOLDINGS, LLC (2429 SOUTH SOUTHEAST LOOP 323) Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "C-2", General Commercial District. (O-2017-56)

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



Z-3 C17-003 IRAIS GARCIA (PORTION OF PINE STREET) Request that the City Council consider approving the closure of an unimproved portion of Pine Street. (O-2017-57)

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

July 26, 2017

- Z-4 C17-002 ROBERTO SERRANO (UNIMPROVED ALLEY) Request that the City Council consider approving the closure of an unimproved alley right-of-way. (O-2017-58)**

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

- Z-5 PD17-020 SOUTHEAST TEXAS CLASSICAL REAL ESTATE INC (3274 PROFESSIONAL DRIVE) Request that the City Council consider approving a "PCD", Planned Commercial Development District final site plan amendment. (O-2017-59)**

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



- Z-6 Z17-015 MARION WARE (604 AND 608 LIBERTY AVENUE) Request that the City Council consider approving a zone change from "R-MF", Multi-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2017-60)**

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

- Z-7 S17-003 DIANA LICEA (2347 SARASOTA DRIVE) Request that the City Council consider approving the renewal of a Special Use Permit for a one-chair beauty salon for a five-year period of time. (O-2017- 61)**

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

- Z-8 PD17-021 CREED ENTERPRISES LLC (1732 AUSTIN 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-2017-62)**

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



- Z-9 Z17-013 MPF PROPERTIES LLC (2708 FRANKSTON HIGHWAY) Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "PCD", Planned Commercial Development District with a final site plan. (O-2017-63)**

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

- Z-10 PD17-014 MACK PATEL (3205 G E DRIVE) Request that the City Council consider approving a zone change from "C-2", General Commercial District to "PMXD-2",**

July 26, 2017

Planned Mixed Use District with a final site plan. (O-2017-64)

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

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.

Brandon Aghamalian, President of Focused Advocacy – Gave a brief legislative updates to City Council concerning the bills that passed both the House and the Senate during the 85th Legislative Session.

P-2 Request that the City Council hear a presentation regarding the Residential Solid Waste Rate Study.

Marc Rogoff, SCS Engineers – Gave a brief presentation concerning conducting a residential solid waste cost of services and rate study. Based on data and information provided by City staff, a pro forma rate model (Model) was developed, which enabled SCS to make projections of financial performance of solid waste collection and disposal for the upcoming five-year, planning period (FY 2017-2022) and model different possible rate structures. This report provides a discussion of the methodology used to conduct the analysis, the revenue requirements of the City's solid waste program as determined by the analysis, and proposed fees and charges to be considered by the City of Tyler City Council.

Sharon Emmitt, 9033 Elmtree Circle – Stated that she would like to see a comparison of fees to other cities our size whether they do once a week or twice a week pickup.

Jeraldine Gossett, 924 South Academy Ave – Stated that when [people] are on a fixed income it's not easy to continue to see the fees go up. Ms. Gossett stated that she was totally against the fees going up.

RESOLUTION

R-1 Request that the City Council consider adopting a resolution finding that ONCOR Electric Company's requested increases to its electric transmission and distribution rates and charges within the City should be denied and finding that the City's reasonable rate case expenses shall be reimbursed by the Company. (R-2017-23)

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

City Council took a break at 10:56 am and came back at 11:08 am.

Items O-2 & O-3 were taken out of order for consideration.

July 26, 2017

- O-2 Request that City Council consider awarding the sale of \$4,430,000* City of Tyler, Water and Sewer System Revenue Refunding Bonds, New Series 2017A (the "Series A Bonds") to the winning bidder. The Series A Bonds will be used to refund the callable \$4,335,000 of the Water and Sewer System, Series 2008 for savings. (O-2017-66)**


Steven Adams, Managing Director with Specialize Public Finance Incorporated – Discussed the parameters necessary to allow awarding the sale of \$4,140,000* City of Tyler, Water and Sewer System Revenue Refunding Bonds, New Series 2017A (the "Series A Bonds") to Citigroup Global Markets, Inc. The present value savings on the Series 2008 bonds will be about \$524,000.

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

- O-3 Request that the City Council consider the adoption of an order authorizing the sale of \$8,380,000* City of Tyler, Water and Sewer System Revenue Refunding Bonds, New Series 2017B (the "2017 B Bonds") and allowing the City Manager award the Series 2017 B Bonds to the winning bidder within certain parameters described below. The Series 2017 B Bonds will be used to refund the callable \$8,380,000 of the Water and Sewer System, Series 2009 for savings. (O-2017-67)**

Steven Adams discussed the parameters necessary to authorize the sale of the of City of Tyler, Water and Sewer System Revenue Bonds, Series 2017 B (the "2017 B Bonds"), and recommended that City Council authorize the City Manager to award the sale of the Series 2017 B Bonds to the winning bidder, expected to be executed on Tuesday, August 15, 2017.

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

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- R-2 Request that the City Council receive a presentation from The Lakota Group on the Historic Preservation Strategic Plan and consider adoption of the Historic Preservation Strategic Plan.**

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

HEARING

- H-1 Request that the City Council consider receiving a presentation then consider conducting the first public hearing related to the proposed Community Development Block Grant (CDBG) and HOME Programs FY 2017-2018 Annual Plan and Budget.**

Sharon Roberts, Sr. Assistant City Attorney- Gave a brief presentation related to the proposed Community Development Block Grant (CDBG) and HOME Programs FY 2017-2018 Annual Plan and Budget.

July 26, 2017

Public hearing was opened for public comment at 11:57. No one came forward to speak on the item. The public hearing was closed.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance approving the Housing Choice Voucher Program's FY 2017 Annual Plan. (O-2017-65)

Candace Porter, Housing Supervisor – Gave a brief presentation concerning the Housing Choice Voucher Program's FY 2017 Annual Plan.

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

MISCELLANEOUS

M-1 Request that the City Council consider adopting the Half Cent Sales Tax 2017-2018 Annual Work Program in conjunction with the 2017-2018 Corporate Budget.

Larry Meckley, 401 Sutherland – Asked City Council not to vote on this today and asked Council to provide housing for the homeless. He also stated that the Parks and Recreation Department was not getting enough funding.

Councilmember Moore – Stated that he grew up at Woldert Park but stated there are two concerns with the pool. First, the pool is bad and leaks. Second, utilization of the pool is very low, so the City made the decision to close the pool and save money – and we are utilizing the splash park and are looking to revitalize the park, not necessarily the pool, which was under-used.

Councilmember Bowdre – Stated that Stewart Park is still on the drawing board but right now we are just looking at using that park for special events, but the City doesn't have any money to open it right now.

Mayor Heines – Stated that funds were not spent on the Innovation Pipeline, that budget has been reduced. The funding will be declining from a municipal stand point, because the Innovation Pipeline will be nonprofit driven.

Motion by Councilmember Bowdre; seconded by Councilmember Moore; 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.)

July 26, 2017

- C-A-1** Request that the City Council consider adopting an updated Resolution approving the City of Tyler's continued participation in the Texas State Department of Information Resources Program and General Services Commission Local Government Purchasing Program, and that the City Council also authorize the City Manager to renew leases for technology equipment including computers, software, and telephones from approved vendors previously obtained through this program for FY 2016-2017. (R-2017-24)
- C-A-2** Request that the City Council consider approving the attached request and authorize the Mayor to accept SC-9-1-1 District participation funding for part of the computer purchase for Computer Aided Dispatch (CAD) for Tyler Police Department in the total amount of \$250,000 with an annual payment of \$50,000 awarded to the City of Tyler.
- C-A-3** Request that the City Council consider approving the attached request authorizing the Mayor to request the SC-9-1-1 board for approving the funding total amount of \$13,200.00 for Motorola SDK 911 Recording upgrades.
- C-A-4** Request that the City Council consider authorizing the City Manager to accept grant funding through the U.S. Department of Justice, Bureau of Justice Assistance; Bulletproof Vest Partnership Grant Act for body armor purchased by the Tyler Police Department.
- C-A-5** Request that the City Council consider adopting the attached 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-2017-25)
- C-A-6** Request that the City Council consider authorizing the City Manager to approve an Amendment to the Land Lease between Marla Barron, and the City of Tyler, to reflect the current owner, Marla Boone, as Lessor, and amending the amount of the lease payment to \$150 per annum in 2018 and 2019, and to \$200 per annum beginning in 2020 and thereafter until Lease is expired or amended.
- C-A-7** Request that the City Council consider ratifying the expenditure of \$27,147.00 to Pump Solutions, Inc. Euless, Texas, for replacement of one (1) submersible pump at Shackleford Creek sewer lift station.
- C-A-8** Request that the City Council consider authorizing the City Manager to purchase heavy duty frontload boxes for Solid Waste from Roll-Offs USA in the amount of \$10,195.
- C-A-9** Request that the City Council consider authorizing the City Manager to ratify the change request and purchase of a Ford F350 for the Fire Department from the low bidder of Tyler Ford.

July 26, 2017

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making two appointments to the Tyler Historical Preservation Board

Motion by Councilmember Nix to appoint Kaylen Clakley to replace Brad Emge, and Greta Simpson to replace Aubrey Sharpe; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

EXECUTIVE SESSION – City Council convened into executive session at 12:38 pm

Executive Item No. 1:

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

1. Pending or contemplated litigation involving *Cook v. City of Tyler, et. al.*

Executive Item No. 2:

Under Tex. Gov’t Code Section 551.072 “Real Estate” deliberation regarding the following:

2. 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 temporary animal shelter facility.

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

City Council reconvened from executive session at 1:08 pm with no action taken.

CITY MANAGER’S REPORT

No items

ADJOURNMENT

Motion by Councilmember Moore to adjourn the meeting at 1:10 pm; seconded by Councilmember Bowdre; motion carried 7 - 0 & meeting adjourned.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:


CASSANDRA BRAGER, CITY CLERK

