

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 13, 2017**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 13, 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
Assistant City Attorney:	Regina Moss
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
City Fire Chief:	David Coble
Director of Neighborhood Services:	Raynesha Hudnell
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Rollings
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

PRESENTATIONS

P-1 Request that the City Council accept a presentation from Delek Refining Ltd to the Tyler Police Department and the Tyler Fire Department to aid in preparation for and action in response to disaster relief.

Brad Frans, Delek US- Presented a monetary gift to the Tyler Police Foundation and the Tyler Fire Foundation. It is the intent of City staff to utilize these funds in

September 13, 2017

connection with preparation for disaster response and related actions in the event of a disaster.

City Council presented Chief Coble with a plaque that stated "Thank you for your support during City of Tyler response to Hurricane Harvey, 2017."

ZONING

- Z-1 Z17-030 MPM TYLER LLC (530 SOUTH SOUTHWEST LOOP 323) Request that the City Council consider approving a zone change from "M-2", General Industrial District to "C-1", Light Commercial District. (O-2017-74)**

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

- Z-2 PD17-026 AMERICAN STATE BANK (8591 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a "PMXD-1", Planned Mixed Use District final site plan. (O-2017-75)**

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

- Z-3 Z17-029 EDGAR VALDEZ (701 AND 705 AUGUSTA AVENUE) Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District and "R-MF", Multi-Family Residential District to "R-1B", Single-Family Residential District. (O-2017-76)**

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

RESOLUTION

- R-1 Request that the City Council adopt a Resolution ratifying submission of an application for, and acceptance of, Federal Aviation Administration (FAA) Grant Funds totaling \$10,181,858.00 to fund approximately ninety percent of the 2017 Runway 4/22 Rehabilitation Construction Project – Phase 4 and Engineering construction administration at Tyler Pounds Regional Airport. This resolution authorizes acceptance of any grant amendments to increase the grant funding levels, as well as authorizing the City's match payment not to exceed \$1,192,756.00 for proposed grant projects. (R-2017-30)**

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

- R-2 Request that the City Council adopt a Resolution ratifying submission of an application for, and acceptance of, Federal Aviation Administration (FAA) Grant Funds totaling**

September 13, 2017

\$180,000.00 to fund ninety percent of the 2017 Runway 4/22 Rehabilitation Project 4 Land/Easement Acquisition at Tyler Pounds Regional Airport. This resolution authorizes acceptance of any grant amendments to increase the grant funding levels, as well as authorizing the City's match payment not to exceed ten percent (\$20,000.00) for proposed grant projects. (R-2017-31)

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

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending and updating fees and other applicable adjustments to Tyler City Code Chapter 6 relating to Buildings and Structures, Chapter 8 relating to Parks, Chapter 10 relating to Tyler Unified Development Code, Chapter 16 relating to Solid Waste Disposal Regulations, and Chapter 19 relating to Water and Sewer. (O-2017-77)

Motion by Mayor Pro Tem Warren seconded by Councilmember Nix to approve O-1 with revision to delete the portion of O-1 in Part 3, Sec. 8-76, subsection (b) that states:

"A practice fee for youth sports organizations or adult sports organizations to reserve fields for practice for soccer games is hereby established for Lindsey Park as follows:

- 1. Six hundred dollars (\$600.00) per Fall season/per lighted field*
- 2. Three hundred dollars (\$300) per Spring season per lighted field.*

Motion carried 7 - 0; approved as modified by motion.

Speakers in opposition to fee for practice field reservations:

Dan Hardima (Pres. FC Dallas), Alejandro Gauna, Randy Hill, Troy Jackson (Tyler Soccer Assoc.), Derek Fisher, Johnathan Wolf, Barbie Clay, Vickie Raabe, Jeremy Bernard, Kyle Dispain

Mayor requested that staff develop a committee to review the soccer field issues raised during this and prior budget meetings and that said committee includes Councilmembers Sellers and Warren.

Recessed for 5 minutes

O-2 Request that the City Council consider adopting the Fiscal Year 2017-2018 proposed budget ordinance, Fiscal Year 2016-2017 budget amendments, and authorize the City Manager to execute the outside agency contracts for Fiscal Year 2017-2018. (O-2017-78)

Speaker: Larry Meckley, spoke in opposition to the budget.

September 13, 2017

Motion by Councilmember Nix, seconded by Councilmember Westbrook to adopt the proposed Fiscal Year 2017-2018 Annual Budget, adopt the Fiscal Year 2016-2017 budget amendments, and authorize the City Manager to execute particular outside agency contracts budgeted for Fiscal Year 2017-2018; motion carried 7-0 & approved as presented.

RECORD VOTE BY:

District 1 Council Member Linda Sellers - Aye
District 2 Council Member Darryl Bowdre - Aye
District 3 Council Member Ed Moore - Aye
District 4 Council Member Don Warren - Aye
District 5 Council Member Bob Westbrook - Aye
District 6 Council Member John Nix - Aye
Mayor Martin Heines - Aye

AND Motion by Nix, seconded by Westbrook to ratify the property tax increase reflected in the Fiscal Year 2017-2018 budget.

RECORD VOTE BY:

District 1 Council Member Linda Sellers - Aye
District 2 Council Member Darryl Bowdre - Aye
District 3 Council Member Ed Moore - Aye
District 4 Council Member Don Warren - Aye
District 5 Council Member Bob Westbrook - Aye
District 6 Council Member John Nix - Aye
Mayor Martin Heines - Aye



O-3 Request that the City Council consider adopting the property tax rate ordinance of \$0.240000 cents per \$100 valuation for Fiscal Year 2017-2018. (O-2017-79)

Motion by Bowdre in the following form:

“I move that the property tax rate be increased by the adoption of a tax rate of \$0.240000 cents per \$100 dollars of appraised value, which is effectively a 5.4 percent increase in the tax rate”. Seconded by Warren;

RECORD VOTE BY:

District 1 Council Member Linda Sellers - Aye
District 2 Council Member Darryl Bowdre - Aye
District 3 Council Member Ed Moore - Aye
District 4 Council Member Don Warren - Aye
District 5 Council Member Bob Westbrook - Aye
District 6 Council Member John Nix - Aye
Mayor Martin Heines - Aye

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

September 13, 2017

MISCELLANEOUS

- M-1 Request that the City Council consider approving the Smith County 9-1-1 Communications District Proposed FY 2017-2018 District Operating Budget.**

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



- M-3 Request that the City Council consider authorizing the City Manager to award Tyler Bid No. 17-017 to SpawGlass, Inc. for the construction of Runway 4/22 Rehabilitation Project 4 in the amount of \$10,648,806.26**

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



- M-2 Request that the City Council consider authorizing the City Manager to execute Amendment No. 1 to Work Order No. 10 with Wisenbaker, Fix and Associates to increase the amount from \$9,700.00 to \$553,205.00 in order to perform required construction materials testing, inspection and engineering administrative services for the Runway 4/22 Rehabilitation Project–Phase 4 at Tyler Pounds Regional Airport. FAA Grant 38 will reimburse 90 percent of the proposed fees. Half Cent Sales Tax to fund the 10 percent local share in an amount not to exceed \$55,320.50.**

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

- M-4 Request that the City Council consider adopting a resolution to authorize the application for and acceptance of Federal Transit Administration Grant Funds in the amount of \$1,735,689 for the purpose of providing public transportation for the City of Tyler. This resolution also accepts any grant amendments to increase the grant funding levels. (R-2017-32)**

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

- M-5 Request that the City Council consider awarding RouteMatch RFP 17-026 for the purchase of an Automated Annunciation System for Tyler Transit in the amount of \$89,940 and request that the City Council consider ratifying Texas Department of Transportation Project Grant Agreement BBF 1702. This Project Grant Agreement is Federal funding, passed through the State, under the 5339 Program in the amount of \$92,738, which includes \$18,548 in Transportation Development Credits for Fiscal Year 2017. This grant will pay 100 percent of RFP 17-026.**

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

- M-6 Request the City Council consider the acceptance of the 2016 SAFER Grant in the**

September 13, 2017


amount of \$1,581,128.00. This item was pulled from the agenda.

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 agreeing to the sale of certain tracts of land located at 806 West Mims within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2017-33)
- C-A-2** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 816 West Queen within the Tyler city limits and owned by taxing entities including the City of Tyler. Item pulled from agenda
- C-A-3** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1127 Marcellus Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2017-34)
- C-A-4** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1204 North Broadway Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2017-35)
- C-A-5** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at Tyler Sandflat located at 1397 Church Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2017-36)
- C-A-6** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1910 Grand Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2017-37)
- C-A-7** Request that the City Council consider ratifying expenditures in the amount of \$147,309.69 for all work performed for the emergency repair of a 10-inch sanitary sewer main located inside the Delek Refinery facility.
- C-A-8** Request that the City Council consider authorizing the City Manager to execute an engineering services contract with Capco Engineering, Inc., execute Work Order No. 1 in the amount of \$37,965 for the Sewer Improvements from Pinecrest to Tanglewood project, and to approve a resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2017-38)
- C-A-9** Request that the City Council consider ratifying staff action to execute a contract with Capps-Capco Construction, Inc. to construct Black Fork Creek Tributary D-2 Retaining Wall Repairs, on an emergency basis, in an amount not to exceed \$55,948.00.

September 13, 2017

- C-A-10** Request that the City Council consider approving release of retainage and a final contract amount to Reynolds and Kay, LTD for the 2016 Seal Coat Program.
- C-A-11** Request that the City Council consider authorizing the City Manager to apply for and accept eleventh year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation.
- C-A-12** Request that the City Council consider accepting the donation from East Texas Communities and authorize the Tyler Police Department to utilize the funds to purchase safety equipment.
-  **C-A-13** Request the City Council consider authorizing the City Manager to execute a renewal of the Commercial Airline Permit, Jet Bridge Operation and Airport Common Use Area Maintenance Agreement between the City of Tyler and American Airlines, Inc.
- C-A-14** Request that the City Council consider adopting a Resolution ratifying the submission of a revised Transportation Alternative Set-Aside Program (TA Set-Aside) grant application for the City of Tyler BikeStripe project to be filed with the Texas Department of Transportation, and committing the local matching funds. (R-2017-39)
- C-A-15** Request that the City Council consider declaring one used Chevrolet Tahoe as surplus and approving the sale to the CHRISTUS Trinity Mother Frances Health System.
- C-A-16** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 14 to change the annual vaccination requirements for dogs and cats by adopting current state guidelines and criteria for Proof of Vaccination required. (O-2017-80)
- C-A-17** Request that the City Council consider ratifying staff action approving the reconciliation change order and releasing retainage to Crown Civil Construction for the Palace, 26th, and Grand project.
- C-A-18** Request that the City Council consider ratifying staff action approving the award of a contract for material and inspection services on the Palace, 26th, and Grand project in the amount of \$28,118.25 to Braun Intertec.
- C-A-19** Request that the City Council consider adoption of a Resolution authorizing the City Manager to execute an amendment to the Memorandum of Understanding with the Texas Department of Transportation (TxDOT) and Hiway 80 Rescue Mission regarding art work and maintenance of the TxDOT-owned right-of-way under the Bridge at Gentry Parkway and North Fannin Avenue. (R-2017-40)

September 13, 2017

C-A-20 Request that the City Council consider donating certain tracts of Right-of-Way to the State of Texas for reconstruction of a bridge on FM 346, Tyler, Texas and consider authorizing the City Manager to execute all documents necessary to accomplish the donation.

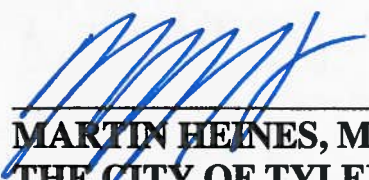
Motion by Councilmember Nix to approve the Consent Agenda items with the exclusion of C-A-2, seconded by Councilmember Bowdre motion carried 7 – 0; Approved with exclusion of C-A-2.

CITY MANAGER'S REPORT

1. Thanked the City Council for the support of 26th and Grand project.
2. Police Department is working with the Hispanic Association and they are planning for the Rose City Fiesta on September 23rd.
3. CIP report handed out.

ADJOURNMENT

Motion by Mayor Pro Tem Warren to adjourn the meeting at 11:13 am; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

