

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
October 25, 2017**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 25, 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 (absent)
Councilmembers:	Linda Sellers Darryl Bowdre Ed Moore John Nix Bob Westbrook
City Manager:	Edward Broussard (absent)
Acting City Manager:	David Coble
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Assistant City Attorney:	Regina Moss
Main Street Director:	Beverly Abell
City Engineer:	Carter Delleney
City Fire Chief:	David Coble
Code Enforcement Manager:	Chris Lennon
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Rollings
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Utilities and Public Works:	Scott Taylor
Street Department Manager:	Robin Smart
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Moore to approve the August 9, 2017 and August 23, 2017 minutes; seconded by Councilmember Nix; motion carried 6 - 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 80 years of service with the City of Tyler.

Service Awards

Date of Hire	First Name	Last Name	Title	Department	Years of Service
10/13/1997	Robert	Hanna	Commercial Equipment Operator	Solid Waste	20
10/02/1992	Judy	Minor	Court Technician	Municipal Court	25
10/04/1982	Dwayne	Lynch	Fire Captain IV	Fire	35

ZONING



Z-1 PD17-029 NORTH TYLER DAY NURSERY (3000 BORDER AVENUE) Request that the City Council Consider approving a “PCD”, Planned Commercial Development District final site plan amendment. (O-2017-91)

Mamie Mayfield – Stated that she was concerned about the present condition of property and possibility that neighbor’s property taxes would go up.

Gary Pinkerton, 14361 Will Scott Dr. – Stated that property owners in the neighborhood have been placed on the day care school board to ensure the neighborhood is taken into consideration when decisions are made).

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

Z-2 S17-005 SEMINA SEHGAL (3431 BLANCO DRIVE) Request that the City Council consider approving a Special Use Permit to allow for a home day care for a three-year period of time. (O-2017-92)

Motion by Councilmember Westbrook; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented



Z-3 Z17-033 TYLER INDEPENDENT SCHOOL DISTRICT (1120 NORTH NORTHWEST LOOP 323) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “INT”, Institutional District. (O-2017-93)

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

Z-4 Z17-034 BBKB INVESTMENTS LLC (715 WEST 3RD STREET) Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District. (O-2017-94)

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Motion by Councilmember Bowdre; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented



**Z-5 Z17-036 EDITH ESCOBEDO (908 WEST MARTIN LUTHER KING BOULEVARD)
Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “C-1”, Light Commercial District. (O-2017-95)**

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

PRESENTATIONS



P-1 Request that the City Council consider receiving a presentation on the Pavement Management and Condition Survey performed by Dynatest for the City of Tyler streets.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution appointing a City of Tyler representative to the Smith County Appraisal District Board of Directors. (R-2017-44)

Motion by Councilmember Nix to appoint Mark Whatley; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented

ORDINANCE

O-1 Request that the City Council consider approving an ordinance amending the permit fee structure and the policy that governs permits for: Temporary Street and Lane Closures, Parades, Block Parties, Right-of-Way (ROW), Temporary Use, Transient Vendor, Tent or Canopy, and Special Events in the Downtown Business, Arts and Culture District. (O-2017-96)

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

O-2 Request that the City Council consider adopting an Ordinance establishing standards for Network Nodes and Node Support Poles in the public right-of-way in the City of Tyler. (O-2017-97)

Motion by Councilmember Nix; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented

O-3 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. (O-2017-98)

Motion by Councilmember Bowdre; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider conducting a public hearing to adopt an Ordinance renewing the designation of a certain area as Reinvestment Zone No. Two (Hood Packaging) for commercial/industrial tax abatement, for a period of five years. (O-2017-99)**

Public hearing was opened at 10:47 a.m. No one came forward to speak on the item and the public hearing was closed at 10:47 a.m.

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

- M-2 Request that the City Council consider approving release of retainage and a final contract amount to L.S. Equipment Co., Inc. for the 2017 Seal Coat Program in the amount of \$30,512.86.**

Motion by Councilmember Nix; seconded by Councilmember Westbrook; 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 authorizing the City Manager to purchase Police Equipment for upcoming Patrol Vehicles from GT Distributors through Buy Board in the amount of \$78,257.59.**

- C-A-2 Request that the City Council consider adopting a Resolution authorizing the City Manager to execute a multiple use agreement with the Texas Department of Transportation for a public bike lane and walkway, identified as Legacy Trails, on the highway right-of-way at FM 2493. (R-2017-45)**

- C-A-3 Request that the City Council consider authorizing the City Manager to enter into a contract with Terminix to provide citywide pest control service in the amount of \$17,960 annually, with a renewal option over a the next five (5) years, for a five-year maximum total of \$89,800 if all renewals are accepted.**

- C-A-4 Request that the City Council consider ratifying expenditures, in the amount of \$51,441.40, for all work performed for emergency repairs of a 42-inch sanitary sewer main located off of North Broadway along Black Fork Creek.**

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C-A-5 Request that the City Council consider authorizing the application for and acceptance of Federal Transit Administration (FTA) Grant Funds passed through to the Texas Department of Transportation (TxDOT) under the Section 5310 Mobility of Seniors and Individuals with Disabilities Grant in the amount of \$366,000 along with the acceptance of \$73,250 in Transportation Development Credits (TDC).

C-A-6 Request that the City Council consider authorizing the application for and acceptance of a Texas Department of Transportation (TXDOT) Grant for Urban State Funds in the amount of \$271,731.

Motion by Councilmember Bowdre; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

Council wearing pink ribbons for Breast Cancer Month
Downtown Film Festival was a success
Lake Street Culvert replacement is complete
Rosa Parks Day event coming up on December 1

EXECUTIVE SESSION – City Council convened into executive session at 10:54 am.

Ex Session #1. under Texas Gov't Code section 551.071 "Litigation" deliberation regarding the following:

1. Pending litigation or settlement offer involving Johnny Brindley v. City of Tyler, et al. Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

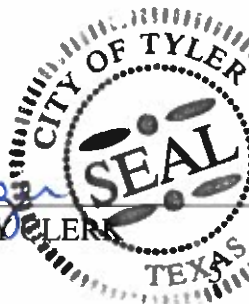
City Council reconvened from executive session at 11:11 am with the following motion: Motion by Councilmember Westbrook to approve a settlement agreement with Johnny Brindley in the amount of \$80,000 to settle the Brindley v. City of Tyler lawsuit; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented

ADJOURNMENT

Motion by Councilmember Westbrook to adjourn the meeting at 11:13 am; seconded by Councilmember Bowdre; motion carried 6 - 0 & meeting adjourned.

ATTEST:


CASSANDRA BRAGER, CITY CLERK




MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS