

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 24, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 24, 2016 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: Edward Moore
Councilmembers: Mark Whatley
Linda Sellers
Darryl Bowdre
John Nix
Don Warren

City Manager: Edward Broussard
Asst. City Manager: Susan Guthrie
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Managing Director for Administration: ReNissa Wade
Neighborhood Services Operations Manager: Larry Everett
Chief Financial Officer: Keidric Trimble
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Managing Director for Public Safety
& Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
Director of Solid Waste: Russ Jackson
Director of Planning: Heather Nick
City Clerk: Cassandra Brager

INVOCATION

Kevin East of the Mentoring Alliance in Tyler

MINUTES

Motion by Councilmember Whatley to approve the February 10, 2016 minutes; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 Z02-16-016 MARCUS WYNNE (524 AND 530 WEST HARPOLE STREET)
Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2016-12)

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



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Z-2 Z02-16-014 GLENN DUNCAN (3357 OLD JACKSONVILLE HIGHWAY)
Request that the City Council consider approving a zone change from “C-2”, General Commercial District and “R-1A”, Single-Family Residential District to “C-1”, Light Commercial District. (O-2016-13)

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

Z-3 F02-16-040 GRAHAM COMMERCIAL SUBDIVISION, FINAL PLAT
Request that the City Council consider approving a three lot subdivision containing approximately 12.32 acres of land located southeast of the intersection of Frankston Highway and Old Noonday Road and a waiver of escrow for street improvements to Mosley Street in the amount of \$849.

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

PRESENTATION

P-1 Request that the City Council consider accepting a \$12,000 grant from Historic Tyler, Inc. for the City of Tyler’s Innovation Pipeline Project and authorize the City Manager to execute the grant contract.

Ginger Haberle, 1719 McDonald, Tyler, Texas – Presented City Council with a \$12,000 dollar check to be used to repair the historic façade and enable the adaptive reuse of the historic buildings targeted to house the Innovation Pipeline located at 217 East Oakwood Street.

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

RESOLUTION

R-1 Request that the City Council consider approving a resolution supporting Woodland Hills Senior Village development to be located at 7015 Paluxy Drive.

Mark Feaster, 10334 Conser St., Overland Park, KS 66212 – Gave a brief presentation concerning Woodland Hills Senior Village, LP development for affordable rental housing at 7015 Paluxy Drive.

Woodland Hills Senior Village, LP intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax credits for this project.

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Councilmember Nix – Stated that this request came in 3 to 4 weeks ago and he met with the City Manager and Mr. Feaster two weeks ago and talked through this. Councilmember Nix then took the site plan that was presented to him out to the joining neighbors and could not get anyone that was favorable because of the location of the project. Councilmember Nix stated that he would not be able to support the project.

Robert Reese, 1622 Jeb Stuart – Stated that with his house located near this project he could not support it and felt like there are other locations that would be suitable for this project. Mr. Reese also felt like if the facility was built in that area then the property value would suffer. A government type facility is not suitable for this area and asked City Council to deny this proposal.

Jim Chanslor, 1630 Jeb Stuart Dr – Stated that his home was directly in the middle of this property and he is firmly against this project. This area is not the location for this type of government facility and if built in that location it will bring the property value down.

Councilmember Whatley – Asked if it was safe to say that a majority of the people in the 200 foot area radius of this property are against this project?

Councilmember Nix – Stated that in the 200 foot radius we have six out of ten of the property owners, for a total of 43% against and out of directly adjoining we have four out of six property owners against it.

Councilmember Whatley- Stated he felt City Council may be getting the cart before the horse. Asking city council to support this but not sure how to fully support something before we vetted it and take it through the zoning process to see if it's even buyable.

Heather Nick, Director of Planning – Stated Planning has seen this before with this type of applications where they are trying to find the funding and it's an escalated process. Sometimes we do see the zoning request, this particular request will be for multifamily and it could be seen as spot zoning. They did have a pre development meeting with staff and staff did indicate that they would not be able to support this request.

Motion by Councilmember Nix to deny; seconded by Councilmember Bowdre; motion failed 7 - 0 & denied as presented.

ORDINANCE



O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 12 to adjust existing land rental rates at Tyler Pounds Regional Airport. (O-2016-14)

Motion by Councilmember Warren; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

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- O-2** Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 4, to update and clarify regulations related to firearms, lawfully licensed handguns and air guns, and the exceptions thereto, to re-number and reorganize certain sections, to provide for definitions, to clarify penalties, and to provide for appropriate signage or notice; and also amending Tyler City Code Chapter 1 to update the firearms sections in the general penalty provisions. (O-2016-15)

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

- O-3** Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 14 to amend the existing impoundment procedures to authorize impoundment of an animal when the owner or person in control of the animal is arrested, if there is no person available to take immediate possession, updating the reference from "Supervisor" to "Animal Shelter Manager", amending the citation provisions to provide greater enforcement discretion to Animal Control Officers and Enforcing Officials, removing unnecessary wording related to number of days to appear at Municipal Court, and making other minor clarification and wording changes. (O-2016-16)

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

- O-4** Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 to amend the membership requirements for the Construction Board of Adjustment and Appeals in various International Codes adopted by the City. (O-2016-17)

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



- O-5** Request that the City Council consider adoption of an ordinance updating and renewing the Airline Incentive provisions in Tyler City Code Chapter 12, to allow promotional incentives for any new or incumbent 14 CFR Part 121 Airline that agree to initiate additional or enhanced air service from Tyler Pounds Regional Airport. (O-2016-18)

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

- O-6** Request that the City Council consider adoption of an ordinance approving appointments to the Boards of Directors of the Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2), the Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3), and the Tyler Redevelopment Authority. (O-2016-19)

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

RECESS

PUBLIC HEARING

CONVENE

CITY OF TYLER
JOINT MEETING OF THE BOARDS OF DIRECTORS
OF THE
REINVESTMENT ZONE NUMBER TWO (#2),
REINVESTMENT ZONE NUMBER THREE (#3), and
TYLER REDEVELOPMENT AUTHORITY

TYLER CITY HALL
COUNCIL CHAMBERS, 212 N. BONNER
TYLER, TEXAS

Wednesday, February 24, 2016
9:00 A.M.

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to assure that all public meetings are accessible to disabled persons. If any individual needs special assistance or accommodations in order to attend a Reinvestment Zone/Redevelopment Authority Board meeting, please contact Cassandra Brager at (903) 531-1106 in advance so accommodations can be made.

1. Mayor Heines called the meeting to order at 10:15 am and established a quorum.
2. Recognition of New and/or Re-appointed Board Members – Martin Heines, Chair
3. Approve Board Minutes – Martin Heines, Chair:
 - a. Approve TIRZ #2 Minutes for Feb. 25, 2015
 - b. Approve TIRZ #3 Minutes for Feb. 25, 2015
 - c. Approve TRA Minutes for Feb. 25, 2015

Motion by Councilmember Whatley; seconded by Councilmember Sellers; motion carried 8 - 0 & approved as presented.

4. Consider election of Vice Chair - Martin Heines, Chair
 - a. Consider election of Vice Chair for TIRZ #2
 - b. Consider election of Vice Chair for TIRZ #3
 - c. Consider election of Vice Chair Tyler Redevelopment Authority

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Motion by Councilmember Sellers to appoint Commissioner Hampton; seconded by Regent Mike Coker; motion carried 8 - 0 & approved as presented.

5. **Review and consider acceptance of TIRZ #2 and TIRZ #3 Annual Reports by the TIRZ 2, TIRZ 3 and Redevelopment Authority Boards, respectively and ratify submission to required entities – Staff Liaison Susan Guthrie, Assistant City Manager.**

Motion by Councilmember Whatley; seconded by Mayor Pro Tem Moore; motion carried 8 - 0 & approved as presented.

6. **Adjourn**

Motion by Councilmember Nix to adjourn the meeting at 10:25 am; seconded by Councilmember Sellers; motion carried 8 - 0 & approved as presented.

RECONVENE FEBRUARY 24, 2016 CITY COUNCIL MEETING

MISCELLANEOUS

- M-1 Request that the City Council consider ratifying the submission of the Annual Reports for TIRZ No. 2 and TIRZ No. 3 to the chief executive officers of Smith County, Tyler Independent School District, Tyler Junior College District and to the State of Texas Comptroller as required by law.**

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

- M-2 Request that the City Council consider authorizing the City Manager to implement the Residential Solid Waste Holiday one time a week trash pick-up service beginning with the 4th of July City Holiday.**

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

- M-3 Request that the City Council consider awarding bid number 16-005 related to employee benefits insurance consulting services to McGriff, Siebels and Williams of Texas, Inc. in the amount of \$60,000 annually for the core consulting fee with an additional cost for actuarial services of \$12,000 bi-annually. It is also requested that the City Manager be allowed to contract for additional service through McGriff, Siebels and Williams of Texas, Inc. for the administration of the benefits program as necessary in an amount not to exceed \$25,000.**

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

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M-4 Request that the City Council consider receiving a presentation regarding strategic fire station re-alignment in the City of Tyler.

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 approve a Reconciliation Change Order and the release of final payment in the amount of \$41,834.75 to Doughtie Construction for the Loop 323 Utility Relocation project.**
- C-A-2 Request that the City Council consider authorizing the City Manager to approve a Reconciliation Change Order and the release of retainage in the amount of \$13,362.65 to Crown Civil Construction Corp. for the Southpoint Road Drainage Improvements project.**
- C-A-3 Request that City Council consider conducting the annual investment policy review and approval of an Ordinance adopting the investment policy. (O-2016-20)**
- C-A-4 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2015.**
- C-A-5 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending December 31, 2015.**
- C-A-6 Request that the City Council consider ratifying the purchase of a new articulated compactor from United Rentals in the amount of \$28,037.**
- C-A-7 Request that the City Council consider accepting the City of Tyler's workers' compensation, property and casualty claims, and lawsuits reports for 2013-2014, 2014-2015 and for 2015-2016 through December 31, 2015 and to ratify all claim payments and settlements during that timeframe of \$661,572 including eight (8) claims that had payments of \$25,000 or more and ten (10) litigated claims. Additionally, please review and accept the current open pending workers' compensation, property and casualty claims and lawsuits open reserve amounts.**
- C-A-8 Request that the City Council consider awarding the bid for improvements and renovations to T.R. Griffith Park to Rogers Construction in the amount of \$35,000.**

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

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CITY MANAGER'S REPORT

1. Improvements to the Water Treatment Plant
2. Zika Virus – Met with NETHealth and Smith County
3. Beauty and the Box art project.
4. CIP report update passed out.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 11:15 a.m.

Executive Item No. 1:

Under 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.

Executive Item No. 2:

Under 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.3:

Under section 551.071 “Litigation” deliberation regarding the following:

1. Pending or contemplated litigation or settlement offer involving Lamar Advantage Outdoor Company v. City of Tyler.
2. Pending or contemplated litigation or settlement offer involving the Environmental Protection Agency.

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


City Council reconvened from executive session at 11:49 a.m. with no action taken.

Councilmember Whatley did not return from executive session.

ADJOURNMENT

Motion by Councilmember Warren to adjourn the meeting at 11:50 am; seconded by Councilmember Bowdre; motion carried 6 - 0 & meeting adjourned.

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MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

