

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
June 22, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 22, 2016 at 9:00 a.m. in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, Tyler, Texas, with the following present:

Mayor: Martin Heines  
Mayor Pro Tem: John Nix  
Councilmembers: Mark Whatley  
Linda Sellers  
Darryl Bowdre  
Ed Moore  
Don Warren

City Manager: Edward Broussard  
City Attorney: Deborah G. Pullum  
Deputy City Attorney: Steve Kean  
Sr. Assistant City Attorney: Sharon Roberts  
Assistant City Attorney: Terrance Garmon  
Airport Manager: Davis Dickson  
Managing Director for Administration: ReNissa Wade  
Chief Financial Officer: Keidric Trimble  
City Engineer: Carter Delleney  
City Fire Chief: Les Schminkey  
Police Chief: Jimmy Toler  
Director of Solid Waste: Russ Jackson  
Director of Development Services: Heather Nick  
Development Manager: Greg Morgan  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Danny Loeffelholz, Grace Community Church

**MINUTES**

Motion by Councilmember Warren to approve the June 8, 2016 minutes; seconded by Mayor Pro Tem Nix; motion carried 7 - 0 & approved as presented.

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 Service Awards**

We would like to recognize the following employee for her 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. She represents 20 years of service with the City of Tyler.

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Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
6/18/1996	Sherry	Pettit	Purchasing Manager	Purchasing	20

AWARDS

**A-2 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2016 Seal Coat Program to the lowest bidder Reynolds and Kay, Ltd. in the amount of \$424,026.15.**

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

ZONING

**Z-1 S06-16-009 D'ANGELO HOLDINGS, LLC (120 SOUTH CENTER AVENUE AND 119 ADAMS AVENUE)**

**Request that the City Council consider approving a Special Use Permit to allow for a major food truck park for an indefinite period of time. (O-2016-51)**

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

**Z-2 Z06-16-037 USA PLANET KIDS, INC (5330 NEW COPELAND ROAD)**  
**Request the City Council consider approving a "PMF", Planned Multi-Family Residential District site plan amendment. (O-2016-52)**

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

**Z-3 S06-16-007 LOMELI ARELLANO (621 NORTH GRAND AVENUE)**  
**Request that the City Council consider approving a Special Use Permit to allow for a front yard fence for an indefinite period of time. (O-2016-53)**

Motion by Councilmember Bowdre to approve according to the zoning; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

**Z-4 S06-16-008 DIANA LICEA (2347 SARASOTA DRIVE)**  
**Request that the City Council consider approving a Special Use Permit for a one-chair beauty salon in addition to the single-family use. (O-2016-54)**

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

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- Z-5 Z06-16-041 LOUVENIA TIMMONS (416 NORTH GRAND AVENUE)**  
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-2016-55)

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

- Z-6 Z06-16-038 JCIRA INVESTMENTS LLC (1780 NORTH NORTHWEST LOOP 323)**  
Request that the City Council Commission consider approving a zone change from “C-1”, Light Commercial District to “C-2”, General Commercial District. (O-2016-56)

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



- Z-7 Z06-16-040 ERASMO DURAN (2104, 2108 BEN STREET AND 3019 OLD NOONDAY ROAD)**  
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1B”, Single-Family Residential District. (O-2016-57)

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

- Z-8 F04-16-053 PRESTON ESTATES, FINAL PLAT**  
Request that the City Council consider approving a plat for a two lot subdivision containing approximately 9.31 acres of land located southeast of the intersection of County Road 328 and County Road 35. The applicant is requesting a waiver of escrow in the amount of \$75,171 for required street improvements to County Road 35.

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

- Z-9 F06-16-075 MAGNOLIA CREEK, FINAL PLAT**  
Request that the City Council consider approving a seven lot subdivision containing approximately 13.61 acres of land located south of the southwest intersection of County Road 175 and County Road 173 and a waiver of escrow in the amount of \$183,593 for improvements to County Road 173.

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

- Z-10 F06-16-077 NORMA WAGNER ADDITION, FINAL PLAT**  
Request that the City Council consider approving a plat for a two lot subdivision containing approximately 3.05 acres of land located north of the intersection of Farm-to-Market Road 346 West and County Road 1202, and a waiver of \$17,074 in escrow for street improvements.

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

## **PRESENTATIONS**

**P-1 Request that the City Council consider receiving a presentation from the Engineering Department regarding the City's storm water management program.**

Carter Delleney and Kyle Kingma gave a brief update on the City's storm water management program.

## **PUBLIC HEARINGS**

**H-1 Request that the City Council conduct the first of two public hearings and consider public input on the proposed annexation of 32 single-family homes and one undeveloped lot located west of the southwest intersection of Skidmore Lane and Paluxy Drive.**

**Sharon Emmert, 903 E Elm Tree Circle** – Stated that she was in support of the annexation and hoped that the City Council would help maintain the integrity of their neighborhood. She stated that she hoped the annexation would include the entire track of land all the way down to the Southern border, which parallels Loop 49. She also stated that she hoped at some point, Centennial would be reinstated to the original route which would be more neighbor friendly.

**Scott Goolsbee, 1608 Skidmore Ln.** – Stated that they are in favor of the annexation as long as the City annexes and zones all of Cumberland Hills Addition to R-1-B, which is about 18 acres and includes all property from the Southside of Skidmore Lane to Tollway 49. Mr. Goolsbee stated that he would like to see Centennial moved back to the original location it was on the Master Street Plan.

**William Barnes, 9159 Old Hickory Rd.** – Stated the reason the annexation was important to them was because Cumberland Rd. was very close to them. Driving down Skidmore the developer did not leave room for parking. Mr. Barnes stated his concern is with the past history of this developer, and the possibility that the developer may undercut the parking to try to reduce cost. Mr. Barnes stated he would like to see the entire annexation done at once so that there will be some type of continuity to the development, rather than using every advantage he can to cut corners. Mr. Barnes stated he was for the annexation but not for one piece at a time.

**Dr. Ronald Beals, 9030 Old Hickory Rd.** - Stated that he was against the annexation as it stands, but was for an annexation that would extend all the way down to Loop 49. Mr. Beals stated that this issue is a significant one. The parking is a significant issue, and the traffic flow through the neighborhood is also a significant issue. Mr. Beals stated that hopefully when staff gets to the point of dealing with the future of the involved area, the City will have another public meeting so that all the above concerns can be discussed as well.

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**Janice Hamilton, 1613 Skidmore Lane** – Read a petition signed by members of the Cumberland Hills Addition and submitted the petition to the City Council.

**Becky Smith, 1600 Skidmore Lane**– Stated that they are on the corner of Canyon and Skidmore, and the city limits is in their front yard. Ms. Smith expressed concerns about the differing sizes of the street widths in the subdivision. Ms. Smith stated that after she learned that city services were being extended to some houses in the neighborhood, she was annoyed given that she had to pay to connect to city sewer following their annexation. Mrs. Smith stated that she would like to see the road go back to how it was originally along Loop 49 and thus safer.

**Richard Perryman, 9142 Old Hickory Rd** – Stated that he supports the annexation but believed they needed the protection of the City Council to control the development of the entire property, not just part of it. Mr. Perryman stated that he felt Centennial needs to go back to where it was originally platted. He stated that the neighborhood doesn't need Centennial coming into Skidmore, instead Centennial needs to go back to the way it was to carry traffic onto Paluxy.

**Heather Nick, Planning Director** – Stated that the applicant has not indicated a desire to annex the remainder of his property. She stated that if the Council wants to consider an involuntary annexation, staff could meet with the developer and discover his willingness to amend his request. Ms. Nick stated that different types of annexations are governed by different procedures and schedules established by State Law.

It was the consensus of the City Council for staff to draft a new annexation calendar for involuntary annexation to include the developer's entire area.

## **ORDINANCE**

### **O-1 Request that the City Council consider adopting an Ordinance approving the Housing Choice Voucher Program's FY 2016 Annual Plan. (O-2016-58)**

Motion by Councilmember Warren; seconded by Mayor Pro Tem 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.)**

### **C-A-1 Request that the City Council consider authorizing the City Manager to execute a Consent to Mortgage and Assignment of Hangar/Operator Lease for Dixie Hangar, LLC.**

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- C-A-2** Request that the City Council consider authorizing the City Manager to approve payment in the amount of \$68,803.67 to GDC Industrial, Inc. for emergency repairs that were made at the Lake Tyler Raw Water Pump Station.
- C-A-3** Request that the City Council consider authorizing the City Manager to enter into an Agreement between MSC Industrial Supply and the City of Tyler for a product vending solution at the Oakwood Complex.
- C-A-4** Request that the City Council consider adoption of a Resolution to authorize continued participation by the City of Tyler with the Steering Committee of Cities Served by Oncor, and authorizing the annual assessment payment of 11 cents per capita to the Steering Committee. (R-2016-26)
- C-A-5** Request that the City Council ratify the purchase of property to be used for the continued improvements to T. R. Griffith Park with the use of Community Development Block Grant funds.

**Larry Meckley, 401 S. Sutherland Dr.** – Asked City Council why Griffith Park has to be improved with grants and downtown improvements are improved with 1/2 cent sales tax funds.

**Mayor Heines-** Stated that City staff would be happy to sit down with Mr. Meckley to respond to his questions.

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

### **CITY MANAGER'S REPORT**

1. Boards and Commission process has begun.
2. 2016 Lead copper sampling has been completed.
3. Downtown Activities-East Texas Comedy Festival, Downtown Wine Swirl.
4. Note on City's Wellness program...promoting Health & Wellness.

**RECESS FOR EXECUTIVE SESSION** City Council convened into executive session at 11:26 am

Executive Item No. 1:

Under Tex. Gov't Code 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.

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Executive Item No. 2:

Under Tex. Gov't Code 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.

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

**City Council reconvened from executive session at 11:40 am with no action taken.**

**ADJOURNMENT**

Motion by Councilmember Bowdre to adjourn at 11:41 am; seconded by Mayor Pro Tem Moore; motion carried 6 - 0 & approved as presented.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

