

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
December 14, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 14, 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: 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
Airport Manager: Davis Dickson
Main Street Director: Beverly Abell
Managing Director for Administration: ReNissa Wade
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
Managing Director of Planning &
Economic Development: Heather Nick
Water Business Office Manager: Jim Yanker
Managing Director, Utilities & Public Works: Greg Morgan
Street Department Manager: Robin Smart
Traffic Engineer: Peter Eng
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Nix.

MINUTES

Motion by Councilmember Sellers to approve the October 26, 2016 minutes; seconded by Mayor Pro Tem Nix; motion carried 7 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

- A-1 Request that the City Council consider accepting the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association of the United States and Canada for the City of Tyler’s Fiscal Year 2014-2015 Comprehensive Annual Financial Report.**

Keidric Trimble, Chief Financial Officer – Presented the City Council with the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association of the United States and Canada for Fiscal Year 2014-2015 Comprehensive Annual Financial Report.

- A-2 Request that the City Council accept the awards presented by the Texas Downtown Association in honor of its projects and honor those who earned them.**

Beverly Abell, City of Tyler Main Street Department- Stated that each year, the Texas Downtown Association (TDA) holds what is known as the TDA President’s Awards competition. Outstanding projects in the area of design, events, community support and more are recognized. Tyler was a finalist in three categories; two of our finalists won top honors. They are:

1. Butler Architectural Group, Mike Butler, Best Commercial Interior, and
2. People’s Petroleum Building, Garnett Brookshire, Tim Brookshire and Andy Bergfeld. Best Restoration.

The Downtown Tyler Film Festival was one of the top three finalist in the Best Promotional Event category.

ZONING

- Z-1 S16-002 REALTY INCOME PROPERTIES 25, LLC (2025 SOUTH SOUTHWEST LOOP 323) Request that the City Council consider approving a Special Use Permit to allow for a cellular antenna to be mounted to the exterior of the building for an indefinite period of time. (O-2016-102)**

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



- Z-2 Z16-015 GUILLERMO GOMEZ (2007 ROY STREET) Request that the City Council consider approving zone change from “R-MH”, Manufactured Home Residential District to “R-1A”, Single-Family Residential District. (O-2016-103)**

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

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- Z-3 Z16-014 WOMAN'S BUILDING (911 SOUTH BROADWAY) Request that the City Council consider approving zone change from "R-1C", Single-Family Residential District to "AR", Adaptive Reuse District. (O-2016-104)**

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



- Z-4 Z16-016 TYLER BLUE RIDGE, LLC (1951 BLUE MOUNTAIN BOULEVARD) Request that the Planning and Zoning Commission consider recommending a zone change from "AG", Agricultural District, "PMF", Planned Multi-Family Residential District, "RPO", Restricted Professional Office District and "PCD", Planned Commercial Development District to "C-1", Light Commercial District. (O-2016-105)**

Councilmember Whatley abstained from voting on this item and exited prior to discussion.

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Nix; motion carried 6 - 0-1 & approved as presented



- Z-5 Z16-018 TYLER BLUE RIDGE, LLC (2035 BLUE MOUNTAIN BOULEVARD) Request that the Planning and Zoning Commission consider recommending a zone change from "AG", Agricultural District to "C-1", Light Commercial District. (O-2016-106)**

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Nix; motion carried 6 - 0-1 & approved as presented



- Z-6 Z16-019 TYLER BLUE RIDGE, LLC (804 WEST CUMBERLAND ROAD) Request that the Planning and Zoning Commission consider recommending a zone change from "AG", Agricultural District and "RPO", Restricted Professional Office District to "C-1", Light Commercial District. (O-2016-107)**

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Nix; motion carried 6 - 0-1 & approved as presented

- Z-7 Z16-020 BRYAN FORMAN (117 EAST HOUSTON STREET) Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "AR", Adaptive Reuse District. (O-2016-108)**

Motion by Councilmember Warren; seconded by Councilmember Bowdre; motion carried 6 - 0-1 & approved as presented

Councilmember Whatley re-enters after the vote.

- Z-8 C16-002 CHRISTUS TRINITY MOTHER FRANCES HOSPITALS (ALLEY CLOSURE) Request that the City Council consider approving the closure of a 15**

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foot alley right-of-way. (O-2016-109)

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

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution Authorizing an Amendment to Passenger Facility Charges Application No. 5 to Reflect Final Costs of Completed Projects Collection and Expenditure, and to Authorize Passenger Facility Charges Application No. 6 for Additional Projects Collection and Expenditure Authority. (R-2016-37)**

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

- R-2 Request that the City Council consider adopting a resolution to authorize the application for and acceptance of Federal Transit Administration Grant Funds passed through to the Texas Department of Transportation in the amount of \$322,000 for the purpose of purchasing new paratransit buses and continuing the UT Health Center Shuttle service for the City of Tyler along with the acceptance of \$64,400 in Transportation Development Credits. This resolution also accepts any grant amendments to increase the grant funding levels. (R-2016-38)**

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

- R-3 Request that the City Council consider adoption of a Resolution authorizing the City Manager to execute a Memorandum of Understanding Agreement with The University of Texas Health Science Center at Tyler and NDMJ Transportation LTD regarding the continuation and the enhancement of transportation services for the elderly and disabled in the Tyler area with shuttle services connecting with the Tyler Transit system. (R-2016-39)**

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

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2016-2017 Budget to provide funding to complete various CDBG, HOME and Housing Choice Voucher Program activities, Airport Project Grant, Faulkner Park Lake, MPO Program Activities, and purchases not completed by September 30, 2016 as anticipated. (O-2016-110)**

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

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- O-2 Request that the City Council consider adopting an Ordinance amending the FY 2016-2017 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by Sept. 30, 2016, as anticipated. (O-2016-111)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider awarding Medical Stop-Loss contract to Arch Insurance for the calendar year starting January 1, 2017 with two additional one-year renewal options.**

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

- M-2 Request that City Council consider authorizing the City Manager to award City of Tyler Bid No. 16-069 to TCMC Commercial IP to furnish all necessary materials, equipment, superintendence, and labor for Bergfeld Park Renovations for an amount not to exceed \$987,000.**

Sandy Shepherd, – Spoke in favor of the Bergfeld Park project.

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

- M-3 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending September 30, 2016.**

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

- M-4 Request that City Council accept a donation totaling \$67,431.43 from the East Texas Communities and authorizes the City Manager to purchase Level III Body Armor from GT Distributors in an amount not to exceed \$132,000.00.**

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

- M-5 Request that the City Council consider authorizing the City Manager to enter into contract negotiations with Halff Associates for design of the Legacy Trails Phase I project.**

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Motion by Councilmember Whatley to authorize the City Manager to enter into contract negotiations with Brannon Corporation and the associated group; seconded by Mayor Pro Tem Nix; motion carried 7 - 0 & approved.

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 execute a renewal contract with Pitney Bowes for the existing postage meter and its add-ons with software and support.
- C-A-2** Request that the City Council consider authorizing the City Manager to execute a contract for design and construction services for the South Fleishel Avenue Storm Sewer Replacement project to Elledge Engineering Corporation in the amount of \$158,000.00.
- C-A-3** Request that the City Council consider authorizing the City Manager to sign an Easement and Right-of-Way Agreement with Oncor Electric Delivery Company LLC, granting, selling and conveying an easement and right-of-way for overhead and/or underground electric supply and communications facilities. This easement involves a tract of land that is 0.245 acres located on 25.29 acres owned by the City of Tyler/Tyler Pounds Regional Airport.
- C-A-4** Request that the City Council consider adopting a Resolution authorizing the sale of certain tracts of land located at 219 Vaughn Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2016-40)
- C-A-5** Request that the City Council consider adopting a Resolution authorizing the sale of certain tracts of land located at 1007 Lollar Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2016-41)
- C-A-6** Request that the City Council consider adopting a Resolution authorizing the sale of certain tracts of land located at 1401 North Dargan Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2016-42)
- C-A-7** Request that the City Council consider adopting a Resolution authorizing the sale of certain tracts of land located at 1921 Moore Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2016-43)
- C-A-8** Request that the City Council consider adopting a Resolution authorizing the sale of certain tracts of land located at 2456 West Erwin Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2016-44)

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C-A-9 Request that City Council authorize the City Manager to approve a Reconciliation Change Order and the release of final payment in the amount of \$65,760.41 to Reynolds & Kay, Ltd. for the Hwy. 31 Lift Station project.

C-A-10 Request that the City Council consider ratifying an expenditure, in the amount of \$89,214.30 to the Texas Commission on Environmental Quality for the Tyler Water Utilities annual water system fee for 2017.

C-A-11 Request that City Council ratify an expenditure in the amount of \$132,692.90 for the Mandated Water Quality Assessment Fee to the Texas Commission on Environmental Quality.


Avis Scott, 504 W. 29th St – Read a letter concerning her complaints regarding water issues at her residence. (Letter attached.)

Motion by Councilmember Whatley to approve C-A-11; seconded by Mayor Pro Tem Nix; motion carried 7 - 0 & approved as presented

C-A-12 Request that the City Council consider authorizing the City Manager to approve and execute a contract with Information Builders for the purchase of WebFOCUS Performance Management Framework Pro software in the amount of \$32,457.60.

C-A-13 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 17 by amending the Mobile Food Unit Vending Pilot Program to extend the stopping duration from three hours to six hours. (O-2016-112)

C-A-14 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 3, Civil Service Other Compensation-Assignment Pay. (O-2016-113)

 **C-A-15** Request that the City Council consider authorizing the City Manager to execute a new lease amendment to the current EAN Wholesale Area Lease Agreement to increase the leased area monthly rental fee to \$1,451.08.

C-A-16 Request that the City Council consider approving the 2016 Certified Property Tax Roll.

C-A-17 Request that the City Council consider authorizing the City Manager to purchase various vehicles and equipment from Buy Board and Houston Galveston Area Council (HGAC) bids.

C-A-18 Request that the City Council consider rejecting Request for Proposal (RFP 16-036) for Tyler UZA Demand Response Services.

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- C-A-19** Request that the City Council consider approving the final acceptance and release of retainage in the amount of \$17,034.20 for a final contract amount of \$173,740.25 to L&L Asphalt Corporation for the Glass Recreation Parking Expansion project.
- C-A-20** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2016
- C-A-21** Request that the City Council consider adoption of a resolution in support of and urging immediate action for development and implementation of construction improvements by the Texas Department of Transportation on U.S. Highway 271 between Tyler and Paris, Texas. (R-2016-45)

Motion by Mayor Pro Tem Nix to approve all the consent items, except item C-A-11 held out for separate discussion; seconded by Councilmember Whatley; motion carried 7-0 & approved as presented.

CITY MANAGER'S REPORT

1. Rose Rudman Bridge repaired.
2. Water fluoridation quality award was presented to Tyler.
3. Path repeat of coordination with Neighborhood Services in coordination for housing.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 11:09 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.

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.

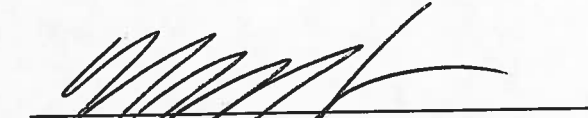
Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 11:25 am with no action taken.

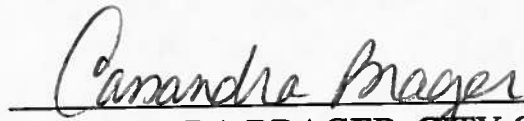
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ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 11:25 am; seconded by Mayor Pro Tem Nix; motion carried 7 - 0 & meeting adjourned.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

