

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 22, 2020**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 22, 2020 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:	Bob Westbrook
Councilmembers:	Linda Sellers Don Warren Broderick McGee Shirley McKellar Vacant
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Sr. Assistant City Attorney:	Regina Y Moss
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Director of Solid Waste & Transit Services:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
City Engineer:	Lisa Crossman
Director of Utilities:	Jimmie Johnson
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Warren.

MINUTES

Motion by Councilmember Sellers to approve the November 13, 2019 minutes; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

PRESENTATION

P-1 Request that the City Council receive a presentation on the work performed by the Tyler Area Metropolitan Planning Organization (MPO).

Michael Howell, MPO Manager- Gave a brief presentation on the work performed by the Tyler Area Metropolitan Planning Organization.

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HEARING

- H-1 Request that the City Council conduct a public hearing and consider adoption of an Ordinance amending Tyler City Code Chapter 4 relating to renewal of the juvenile curfew ordinance. (O-2020-6)**

Mayor Heines opened the public hearing at 9:15 am for citizens' comments. No one came forward to speak on the item so the public hearing was closed at 9:15 am.

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

ZONING

- Z-1 PD19-041 UNITED WAY OF SMITH COUNTY (911 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a zone change from "AR", Adaptive Reuse District to "POD", Planned Office District with a written narrative. (O-2020-7)**

Councilmember Warren thanked the Executive Director of United Way for his commitment to the Azalea District and for all the improvements made to the Women's Building.

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

- Z-2 S19-011 PRICE, LAKISHA (3200 GARDEN VALLEY ROAD) Request that the City Council consider approving a Special Use Permit for a Day-Care Center for a three-year period of time. (O-2020-8)**

Lakisha Price, 1027 Old Noonday Road – Asked what is the difference between R-3 and multi-family?

Heather Nick - Stated that they were the same thing.

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

- Z-3 S19-012 COPPER RIDGE PARTNERSHIP LLC (6961 ARBOR RIDGE DRIVE) Request that the City Council consider approving a Special Use Permit for an indefinite period of time to grant a variance to reduce the required 300 feet distance separation from the property line of Fork and Feast Restaurant and a public school to 187 feet in order to be eligible for a Texas Alcoholic Beverage Commission license to sell mixed beverages. (O-2020-9)**

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

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- Z-4 Z19-042 DRMRE PROPERTIES LLC (5038 PALUXY DRIVE)**
Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "C-1", Light Commercial District. (O-2020-10)

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented.

- Z-5 Z19-043 AVILA RAUL (524 AND 600 LIBERTY AVENUE)**
Request that the City Council consider approving a zone change from "R-MF", Multi-Family District to "R-1D", Single-Family Attached and Detached District. (O-2020-11)

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

- Z-6 Z19-044 JENKINS REGINALD (718 SOUTH CONFEDERATE AVENUE)**
Request that the City Council consider approving a zone change from "R-2", Two-Family Residential District to "R-1B", Single-Family Residential District. (O-2020-12)

Motion by Councilmember McKellar; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

ORDINANCE

- O-1 ZA19-004 UNIFIED DEVELOPMENT CODE (20 YEAR CITY LIMITS)**
Request that the City Council consider approving an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 1999 is part of the City. (O-2020-13)

Motion by Councilmember Warren; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

- O-2 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2019-2020 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by September 30, 2019, as anticipated. (O-2020-14)**

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

- O-3 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 1 by amending and clarifying City Code general penalty provisions to match Texas Local Government Code. (O-2020-15)**

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Steve Kean, Deputy City Attorney – Gave a brief update on the ordinance amending Tyler City Code Chapter 1 by amending and clarifying City Code general penalty provisions to match Texas Local Government Code

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to approve a contract with Halff Associates in an amount not to exceed \$500,000.00 for Phase 3 of the Comprehensive Storm Water Master Plan.**

Motion by Councilmember McKellar; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

Mayor Heines requested that once we get all the data and reports put together let us make sure that the reports are continually updated, so when we do new projects in the community and that information is collected it becomes very valuable to the City for many years to come.

- M-2 Request that the City Council consider authorizing the City Manager to approve a Reconciliation Change Order in the amount of \$447,296.80 and the release of final retainage to Reynolds and Kay LTD, for the 2018 Asphalt Enhancement Project.**

Lisa Crossman, City Engineer - Explained that a Reconciliation Change Order is a change order that sometimes is a positive or negative. In this case, this project did exceed the budget by \$447,296.80 that was primarily due to additional trench repair and pipefittings that were required for the water line repairs that were included in this project. The project also required additional pavement repairs that were not originally estimated.

Motion by Councilmember McKellar; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

- M-3 Request that the City Council consider authorizing the City Manager to execute a contract amendment with Schaumburg & Polk, Inc. for additional design and construction services for the Arbor Oaks Channel Repair project in the amount of \$90,750.**

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

BOARD APPOINTMENTS

- B-1 Request that the City Council consider appointing members to the Library Board and appointing a Chair.**

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Motion by Councilmember Warren to appoint Glenda Malone, Melissa O'Neal and Tammy Burnette and appoint Brenda McWilliams as Chair; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

B-2 Request that City Council consider appointments and/or re-appointments to the City of Tyler Tax Increment Reinvestment Zone No. 1 Board of Directors. Also, consider reappointment of a Chair to City of Tyler Tax Increment Reinvestment Zone No. 1 Board of Directors.

Motion by Mayor Pro Tem Westbrook to reappoint Ms. Kathy Harry, Ms. Sidney Green and Ms. Tanya Redic and to reappoint Dean Cagle as Chairman of the Board; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

New membership terms for these three representatives will be January 1, 2020 to January 1, 2022. The new Chairmanship term will be from January 1, 2020 to January 1, 2021.

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 extending the contract for (RFP 16-001) for Paratransit Overflow Services to NDMJ Management, LLC for another one year term.

C-A-2 Request that the City Council consider authorizing the City Manager to award Rolloffs USA and Impact Plastics as primary vendors for the Annual Price Agreement for Frontload and Rolloff Containers per Bid No. 20-001.

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Recently, members of the Community Response Unit completed the required training for police bicycle officers. The program was initiated to supplement existing bicycle patrols, work on problem areas and engage in community outreach. This past Saturday, they (Officer Caldwell, Officer Behrend and Sgt. Leigeber) rode Rose Rudman for about three hours. It was a beautiful day and they talked to kids and parents in the park. Collectively they handed out about 90 police stickers. We are extremely proud of their efforts and their commitment.
2. A couple of events coming up for Council: The Tyler Trees Committee, Keep Tyler Beautiful and the Tyler Parks and Recreation Department will host a tree planting event to celebrate Arbor Day on January 25, 2020 at 9:30 a.m. at Faulkner Park. Registration will begin at 9 a.m. and more than 50 trees will be planted at Faulkner Park. Secondly, the City of Tyler Fire Department invites you to attend their grand openings of their two newest fire stations. There will be short ceremony followed by a reception and station tours (Station 1 and 4).

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ADJOURNMENT

Motion by Councilmember Warren to adjourn the meeting at 9:54 am; seconded by Councilmember McGee; motion carried 6 – 0 and meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

