

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 26, 2020**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 26, 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
Airport Manager:	Davis Dickson
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
Code Enforcement Manager:	Chris Lennon
Compliance Engineer:	Paul Neuhaus
Community Development Block Grant Manager:	Dustin Wilson
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
Planning Manager:	Kyle Kingma
City Engineer:	Lisa Crossman
Director of Utilities:	Jimmie Johnson
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Westbrook.

MINUTES

Motion by Councilmember Warren to approve the January 8, 2020 minutes; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

AWARDS

Request that the City Council 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 240 years of service with the City of Tyler.

Service Awards

Date of Hire	First Name	Last Name	Title	Department	Years of Service
1/14/2000	Kelly	Adkinson	Fire Captain II	Fire	20
2/14/2000	Matthew	Leigebler	Police Sergeant IV	Police	20
2/21/2000	Craig	Williams	Police Officer XI	Police	20
2/13/1995	Michael	Kleny	Police Officer XIII	Police	25
1/16/1995	Mike	Saxion	Police Sergeant IV	Police	25
2/13/1995	Clint	Gardner	Police Officer XIII	Police	25
1/16/1995	James	McCraw	Police Officer XIV	Police	25
1/16/1995	Brad	Langford	Police Officer XIV	Police	25
1/16/1995	Kelly	Reeves	Police Officer XIV	Police	25
2/23/1995	Robert	Dominguez	Residential Equipment Operator	Solid Waste	30

PRESENTATION

P-1 Request that the City Council receive a presentation on the work performed by the United States Census Bureau related to the 2020 Census.

Heather Nick, Managing Director of Planning & Economic Development - Stated that the Decennial Census will be kicked off on April 1, 2020 to count all people in the United States and Tyler was selected to house an Area Census Office to serve as a regional hub for coordinating census efforts in East Texas.

Andy Moers, Public Relations & Marketing - Gave a brief update on the work performed by the United States Census Bureau related to the 2020 Census.

P-2 Request that the City Council receive a presentation from NET RMA regarding the Toll 49 Segment 6 project.

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Chris Miller and Elizabeth Storey gave a brief presentation regarding the Toll 49 Segment 6 project.

ZONING

- Z-1 S19-013 TYLER ER REALITY, LLC (3943 OLD JACKSONVILLE HIGHWAY)**
Request that the City Council consider approving a Special Use Permit for a trailer that will house medical equipment for a two-year period. (O-2020-19)

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

- Z-2 Z19-045 10 M ENTERPRISES LLC (1318 WEST PAUL STREET)**
Request that the City Council consider approving a zone change from "R-MF", Multi-Family Residential District to "R-1B", Single-Family Residential District. (O-2020-20)

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

- Z-3 Z19-038 CHAPEL WOODS DEVELOPMENT LTD (3695 OLD OMEN 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-2020-21)

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

- Z-4 PD19-044 P C S REALTY PARTNERS LTD (724, 800, 804, 808, 812, 816, 820, 826, 830, 834, 904 WEST GLENWOOD BOULEVARD)**
Request that the City Council approving the zone change from "R-2", Two-Family Residential District and "R-1A", Single-Family Residential District to "PUR", Planned Unit Residential District with a final site plan. (O-2020-22)

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

- Z-5 PD19-011 WERNER TAYLOR LAND AND DEVELOPMENT (7147 CROSSWATER)**
Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "PUR", Planned Unit Residential District with final site plan.(O-2020-23)

Motion by Councilmember McGee to un-table item Z-5; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

Motion by Councilmember McGee to approve Z-5; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

HEARING

- H-1 Request that the City Council conduct a public hearing for citizen participation and to consider approving the Substantial Amendment to 2019 Action Plan and reprogramming of Community Development Block Grant (CDBG) Allocation.**

Community Development Block Grant Manager, Dustin Wilson – Stated that the substantial amendment will result in the reallocation of funds that were either unused administration dollars and or money for code enforcement and demolition which were not used in previous years from 2015, 2016, 2017, 2018 in order to do a public facilities project. The project will be based around a neighborhood park (Emmett J. Scott Park) located in a low-mod area that is in dire need of sidewalks for safety and connectivity to the neighborhood as well as providing an avenue to promote health and wellness in the community which based on the income levels rely heavily on the park for entertainment purposes. The project would include walkways, picnic areas, a pavilion (restrooms), and updated playground equipment, which may include updates to the baseball field, basketball courts and security lighting.

Public hearing open up for citizens comments at 9:57 am
Public hearing close with no citizens comments at 9:57 am

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

RESOLUTION

- R-1 Request that the City Council consider approving \$43,144 for right-of-way (ROW) sanitary sewer easement access construction work, and to approve adoption of a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2020-5)**

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

- R-2 Request that the City Council consider adopting a Resolution of support for various Texas Department of Housing and Community Affairs affordable housing tax credit project proposals/applications and the approval of the waiver of development/permit fees in the amount of \$500 for each awarded project. (R-2020-6)**

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

- R-3 Request that the City Council consider adoption of a Resolution appointing members to the Rose City Municipal Utility District Board of Directors. (R-2020-7)**

Motion by Councilmember Sellers to appoint Mayor Heines, Sam Mezayek and John Nix to serve as members of the Board of Directors of the Rose City Municipal Utility District

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beginning March 1, 2020 and ending February 29, 2024; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

- R-4 Request that the City Council consider approving an additional estimated \$126,775.00 for proposed preventative creek crossing work related to wastewater line maintenance, and consider adoption of a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2020-8)**

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

- R-5 Request that the City Council consider adoption of a Resolution authorizing the City Manager and The Tyler Police Department to the purchase one (1) Mobile Pro System security Camera Trailer in the amount of \$40,019.00 through Grant funding from East Texas Council of Government (ETCOG) Justice Assistance Grant (JAG). (R-2020-9)**

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

- R-6 Request the City Council consider adopting a Resolution authorizing the Tyler City Manager on behalf of the Police Department to apply and accept if awarded the COPS Hiring Grant which will fund salary and benefits for two (2) new officer positions for three years. (pulled from the agenda)**

- R-7 Request that the City Council consider adopting a Resolution denying CenterPoint Energy Texas Beaumont/East Texas Division's requested rate increase. (R-2020-10)**

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

City Council recessed at 10:26 am for a short break and convened back into session at 10:34 am.

ORDINANCE

- O-1 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 2, to revise and adopt certain Usage Fees related to Liberty Hall. (O-2020-24)**

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

- O-2 Request that City Council consider adoption of an Ordinance amending Tyler City Code Chapter 2 to revise and adopt certain fees and procedures to make Tyler a more film friendly destination and offer enhanced opportunities to filmmakers. (O-2020-25)**

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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 18, relating to a rate increase for tire disposal from \$3.00 to \$5.00 per tire and a rate increase for appliance/furniture/junk/rubbish disposal from \$10.00 to \$20.00 per appliance item. (O-2020-27)**

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

- O-4 Request that the City Council consider adoption of an Ordinance amending and updating Tyler City Code Chapter 16 relating to Solid Waste Disposal Regulations residential fee for recycling due to the recent increases by the material recovery facility. (O-2020-26)**

Mayor Heines requested that if the price goes down in the future that the City pass those savings on to the customers.

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a contract with Missouri Petroleum, LLC, for construction of the 2020 ONYX Seal Project in the amount of \$333,205.65.**

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

- M-2 Request that the City Council consider accepting an annual report-out of the City of Tyler Water Utilities Fats, Oils, and Grease Program.**

Motion by Mayor Pro Tem Westbrook; 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 new Commercial Airline Operating Permit with American Airlines, Inc. for operations at Tyler Pounds Regional Airport.**

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

- M-4 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending December 31, 2019.**

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider appointing and re-appointing members to the Disability Issues Review Board, Industrial Development Corporation Board, Half Cent Sales Tax Board and the Tyler Public Library Board.

Motion by Councilmember McGee to reappoint Juanita Fletcher and appoint Kara Sharman to the Disability Issues Review Board; seconded by Mayor Pro Tem Westbrook; motion carried 6 - 0 & approved as presented.

Motion by Mayor Pro Tem Westbrook to reappoint Claude Henry and JoAnn Hampton, as well as appoint Myranda George to the Industrial Development Corporation Board; seconded by Councilmember McGee; motion carried 6-0 & approved as presented.

Motion by Councilmember Sellers to appoint Cynthia Bennett and Faith McElvy to the Tyler Public Library Board; seconded by Councilmember Warren; motion carried 6-0 & approved as presented.

The Half Cent Sales Tax Board appointment will take place at the next City Council meeting.

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 adopting a Resolution agreeing to the sale of certain tracts of land located at 714 Forest Ave. within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-11)

C-A-2 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1212 Bryan St within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-12)

C-A-3 Request that the City Council consider approving a re-plat of Lots 12 and 13, Northwest Subdivision No. 1, located on Lake Tyler.

C-A-4 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2019.

C-A-5 Request that the City Council consider authorizing the City Manager to purchase one (1) Harley Davidson Police motorcycle with police equipment through

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BuyBoard contract #601-19 from Longhorn Harley Davidson Grand Prairie, Texas for a total of \$33,739.62 for the Police Department.

Motion by Mayor Pro Tem Westbrook to approve the entire consent agenda; seconded by Councilmember McGee; motion carried 6-0 & approved as presented.

CITY MANAGER'S REPORT

1. At the next City Council meeting on March 25th we will be bringing a draft of the Rose Center new Conference center design and phase 1 for feedback.
2. UT Tyler, in partnership with the Tyler Trees Committee, hosted their annual Arbor Day celebration and tree planting on February 15, 2020 at the UT Tyler Campus. Over 300 students registered and showed up to volunteer on the very cold morning. The University celebrated being recognized as a Tree Campus USA for three years in a row.
3. The Tyler Trees Committee is hosting a Seedling Giveaway on February 29, 2020 at Christus Mother Frances Hospital South Tyler (8389 S. Broadway Ave.) There will be 3700 seedlings given away to the public during this event.
4. The IT Department will be sending out a link for all City officials to complete the Cybersecurity training by May 1, 2020.
5. Thank everyone for the participation in the Music for the Soul celebrating Black History Month at Liberty Hall on Monday, 2/24.
6. Councilmember Warren announced that this is his last City Council meeting, as he will be resigning as City Councilmember in order to run for Mayor.

EXECUTIVE SESSION – City Council recessed into executive session at 11:22 am

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

E-1 Executive Item No. 1:

Under Tex. Gov't Code section 551.074 "Personnel Matters" deliberation regarding the following:

The employment, duties and evaluation of the City Manager.

E-2 Executive Item No. 2:

Under Texas Gov't Code Section 551.072 "Real Estate" deliberation regarding the following:

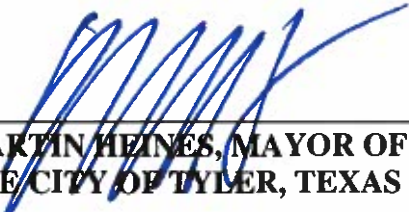
Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City.

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City Council reconvened from executive session at 12:45 pm with the following:
Mayor Heines made the motion to have the City Manager employment agreement amended only as follows: A salary of 235,000.00 being effective January 1, 2020, auto allowance of 10,000.00, premium health contribution the City pays for the family medical, dental and vision, deferred compensation 19,500 one time, and TMRS contribution at 7 percent; seconded by Councilmember Warren; approved as presented.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 1:03 pm; seconded by Councilmember Warren; motion carried 6 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:



CASSANDRA BRAGER, CITY CLERK

