

REVISED EMERGENCY CITY COUNCIL - TELECONFERENCE & PUBLIC MEETING AGENDA

**Wednesday, November 11, 2020
9:00 am**

Due to the current Coronavirus COVID-19 public health emergency, the City of Tyler is taking extraordinary steps to protect the public health, safety and welfare. A teleconference meeting of the Tyler City Council is being conducted. Those who wish to participate by teleconference may call (903) 363-0651.

In addition, the City Council is also providing physical access for up to 22 members of the public, who may attend on a first-come, first seated basis. The public meeting will be arranged for social distancing, and those in attendance are urged to follow recommendations of the Centers for Disease Control and Prevention (CDC) by adhering to all social distancing and hygiene requirements. Capacity limits will be observed. Pursuant to both CDC guidance and Governor Abbott's Executive Order, GA EO-29, people must wear cloth face coverings or masks when attending public meetings unless they are otherwise exempt because they are a child under two (2) or because they have a medical condition and have been advised by their doctor that wearing a mask itself is dangerous.

The public is encouraged to participate by teleconference and by calling; or if you wish to submit a comment, please review the Agenda and submit an online digital comment card prior to 7:00 a.m. November 11, 2020 by visiting:

<https://www.cityoftyler.org/government/government/agendas>.

For all comment cards so received, staff will call the phone number you submit directly during the meeting when your item comes up for comment.

If you are unable to submit a digital comment card prior to 7:00 a.m., November 11, 2020, you may call the meeting at (903) 363-0651 and be placed on hold until your item comes up for public comment.

Follow us live at: [facebook.com/CityofTylerTexas/](https://www.facebook.com/CityofTylerTexas/)

Follow live on Microsoft Teams at: shorturl.at/kmuQ7

(There is no need to download Microsoft Teams, simply choose "watch on the web" option.)



CITY COUNCIL
Martin Heines, Mayor
Linda Sellers, District 1
Broderick McGee, District 2
Dr. Shirley McKellar, District 3
Vacant, District 4
Bob Westbrook, District 5
Vacant, District 6
Edward Broussard, City Manager



**REVISED EMERGENCY AGENDA
ADDITION OF EMERGENCY AGENDA ITEM
CITY COUNCIL**

**TELECONFERENCE MEETING
AGENDA**

**CITY COUNCIL CHAMBERS - CITY HALL
PUBLIC MAY PARTICIPATE BY CALLING:**

(903) 363-0651

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A maximum of 22 members of the public may attend in person on a first-come, first-seated basis. The public is encouraged to participate by calling; or if you wish to submit a comment, please review the Agenda and submit a digital comment card online by 7:00 a.m. of November 11, 2020 at: <https://www.cityoftyler.org/government/government/agendas>.

Wednesday, November 11, 2020

9:00 a.m.

Internet website <http://www.cityoftyler.org> and Cable Access Channel 3

Please call (903) 531-1100 if you need assistance with interpretation or translation for this City meeting.

Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1100.

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to ensure that City Council Meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to participate in this City Council meeting, please contact the City Manager’s Office at 903.531.1100, in advance so accommodations can be made.

WHEREAS, notice of a City Council meeting has previously been posted; and

WHEREAS, it is important to add an additional Agenda item Z20-048 CHRISTUS TRINITY MOTHER FRANCES HEALTH SYSTEM (513 SOUTH FLEISHEL)
Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "INT", Institutional District

WHEREAS, notice of all City Council meetings is regularly and routinely posted at least seventy-two (72) hours prior to the meeting in accordance with TEX. GOV’T CODE ANN. § 551.043; and

WHEREAS, there is an urgent public necessity that this item be presented at this

meeting rather than at a later meeting, and it is imperative that the City Council be advised in order to provide direction to the staff, which must be done before the next meeting when regular notice can be held.

WHEREAS, TEX. GOV'T CODE ANN. § 551.045 provides that when there is an urgent public necessity, the notice of a meeting or supplemental agenda item is sufficient if it is posted for at least one (1) hours before the meeting is convened; and

NOW, THEREFORE, pursuant to TEX. GOV'T CODE ANN. § 551.045, emergency notice for an added agenda item for the City Council to be held at City Hall, City Council Chambers, 212 N Bonner Ave., Tyler, Texas on 11th day of November, 2020 at 9:00 am is hereby posted as follows:

COURTESY RULES

Thank you for your participation. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you are attending the City Council meeting in person and you wish to address the Council, obtain a speaker card from the receptionist's desk outside the Council Chambers, complete the information requested on the card, and deliver to the City Clerk before the meeting or as soon as you can. If you are participating in the City Council virtually, please submit a digital comment card prior to 7:00 a.m. of the meeting date at <https://www.cityoftyler.org/government/government/agendas>. Or you may call into the meeting at (903) 363-0651. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Comments to the City Council from those who are participating in the meeting by teleconference should only be made after the Clerk has introduced your call to Council. Comments to the City Council from those who are physically attending the meeting should only be made from the podium. This will ensure that the comments are picked up by the microphones and are made a part of the official record.

INVOCATION

PLEDGE OF ALLEGIANCE

MINUTES

Request that the City Council consider approval of the minutes of the regular meeting of the City Council of the City of Tyler, Texas held on September 23, 2020.

ELECTIONS

- E-1** Request that the City Council consider canvassing the returns of the City Council Election held November 3, 2020, for Mayor at Large, District No. 2, 4, and 6 and adopting an Ordinance declaring the results.

- E-2** Request that a certificate of election and the Oath of Office be administered to the newly elected Mayor At Large.

E-3 Request that a certificate of election and the Oath of Office be administered to the re-elected City Councilmember for District No. 2.

E-4 Request that a certificate of election and the Oath of Office be administered to the newly elected City Councilmembers for District No. 4 and 6.

(NOTE: New City Council members take their seats on the dais)

E-5 Request that the City Council consider electing a Mayor Pro Tem.

ZONING

Z-1 Z20-044 GENCORE LLC (5961 EAGLES NEST BOULEVARD)
Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "R-MF", Multi-Family Residential District.

Z-2 Z20-048 CHRISTUS TRINITY MOTHER FRANCES HEALTH SYSTEM (513 SOUTH FLEISHEL)
Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "INT", Institutional District.

PRESENTATION

P-1 Request that the City Council consider receiving an update regarding COVID-19 in Tyler and Smith County from the Northeast Texas Public Health District.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the filing of an application with the Texas Parks and Wildlife Department (TPWD) and approving the City's local match in the amount of \$750,000.00 for a Local Parks Non-Urban Outdoor Recreation Grant for the Rose Complex Parks and authorizing the City Manager to take all actions needed to receive and expend grant funds.

MISCELLANEOUS

M-1 Request that the City Council consider declaring the former Fire Station #4 at 309 W. Martin Luther King Jr. Blvd., building and surrounding tracts of land to be surplus and donating said

real property to the Empowerment Community Development Corporation for the purpose of operating the Texas African American Museum, and consider authorizing the City Manager to execute all documents necessary to accomplish the donation.

- M-2** Request that the City Council consider adoption of the updated application for temporary street and lane closures, parades, block parties, right-of-way use, and other temporary uses and special events, in the Downtown Business, Arts and Cultural District (DBAC).
- M-3** Request that City Council consider authorizing the City Manager to approve Change Order No. 1 to the construction contract for the Martin Luther King Jr. Improvements project in the amount of \$247,677.46.
- M-4** Request the City Council consider authorizing the City Manager to award RFP Bid No. 20-080 to Evergreen Skateparks, LLC of Portland, Oregon, to furnish all necessary materials, equipment, superintendence, and labor for an amount not to exceed \$350,000.00, for the construction of Faulkner Park Skate Park Phase II.
- M-5** Request that the City Council consider ratifying staff action in executing Change Order No. 1 with Reynolds & Kay, Ltd. in an amount not to exceed \$20,814.84 for the Robert E. Lee Drive Drainage Improvements project.
- M-6** Request that the City Council consider authorizing the City Manager to execute a construction contract with Reynolds & Kay, Ltd. for the construction of the Pabst and Bow Storm Sewer Repair project in the amount of \$374,597.50.
- M-7** Request that the City Council consider authorizing the City Manager to execute a construction contract with Reynolds & Kay, Ltd. for the construction of the Flat Rock Drainage Improvement project in the amount of \$551,829.00.
- M-8** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will decrease the contract amount by 21.2 percent (\$215,952.40) and the release of final retainage payment in the amount of \$40,121.98 to Southern Trenchless Solutions, LLC for the DP02 Manhole Rehabilitation - Eastern Seal Package, Bond-CD-001-MH02.
- M-9** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will decrease the contract amount by 1.1 percent (\$10,592.76) and the release of final retainage payment in the amount of \$42,940.96 to Quadex Lining Systems, LLC for the DP01 Manhole Rehabilitation - Western Seal Package, Bond-CD-001-MH01.

- M-10** Request that the City Council consider approving an estimated \$160,549.29 for preventative and emergency creek crossing repair work related to wastewater line maintenance, to be paid out of existing bond funds.
- M-11** Request that the City Council consider awarding the Medical and Pharmacy Stop-Loss contract to Berkley for the calendar year starting January 1, 2021.
- M-12** Request that the City Council ratify the Letter of Agreement (LOA) between the Airport Commercial Airlines and Tyler Pounds Regional Airport that establishes temporary procedures due to the COVID-19 health crisis.

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 3226 Commonwealth within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-2** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2120 North Gaston within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-3** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located a 1306 West 30th Street within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-4** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located a 1319 Claude within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-5** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located a 1803 Emerson within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-6** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 216 Nettles within the Tyler city limits and owned by taxing entities including the City of Tyler.

- C-A-7** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1806 West Mims within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-8** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1005 Trezevant within the Tyler city limits and owned by taxing entities including the City of Tyler.
- C-A-9** Request that the City Council consider authorizing the City Manager to purchase City vehicles and equipment from lowest bidders per Bid 20-079.
- C-A-10** Request that the City Council consider authorizing the City Manager to purchase emergency equipment for Police Department vehicles and the installation of this emergency equipment from Dana Safety Supply Inc.
- C-A-11** Request that the City Council consider an expenditure in the amount of \$132,692.90 for the Mandated Annual Water Quality Assessment Fee to the Texas Commission on Environmental Quality.

CITY MANAGER'S REPORT

EXECUTIVE SESSION

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:

Executive Item

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

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

ADJOURNMENT