

# CITY COUNCIL - TELECONFERENCE & PUBLIC MEETING AGENDA

**Wednesday, December 9, 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 33 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. December 9, 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., December 9, 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/dlJMT](https://shorturl.at/dlJMT)***

*(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  
James Wynne, District 4  
Bob Westbrook, District 5  
Brad Curtis, District 6  
Edward Broussard, City Manager



# CITY COUNCIL TELECONFERENCE MEETING AGENDA

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

**(903) 363-0651**

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

Follow live on Microsoft Teams at: [shorturl.at/dIJMT](https://shorturl.at/dIJMT)

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

***A maximum of 33 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 December 9, 2020 at: <https://www.cityoftyler.org/government/government/agendas>.***

**Wednesday, December 9, 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.

## 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 in attendance 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 October 14, 2020.

## **AWARDS**

- A-1** Request that the City Council consider accepting the Governor's Community Achievement Award and Gold Star Award from Keep Texas Beautiful and Texas Department of Transportation (TxDOT).
- A-2** Request that the City Council consider accepting the "Distinguished Budget Presentation Award" for its Fiscal Year 2019-2020 Budget document from the Government Finance Officers Association of the United States and Canada.

## **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.
- P-2** Request that the City Council consider receiving a presentation relating to the historical, present, and planned activities of the Consent Decree response by Tyler Water Utilities.

## **ZONING**

- Z-1** Z20-045 RIPPY LEWIS B AND JENNIFER (5105 PALUXY DRIVE AND 1850 TIMBERCREEK DRIVE)  
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "NR", Neighborhood Residential District.
- Z-2** Z20-046 4D7 SERIES LLC – 1120 FRONT A SERIES (1120, 1122 AND 1124 EAST FRONT STREET)  
Request that the City Council consider approving a zone change from "R-MF", Multi-Family Residential District to "RPO", Restricted Professional Office District.
- Z-3** Z20-047 CERDA GUILLERMO LOZANO (717 EAST OAKWOOD STREET)  
Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "R-1B", Single-Family Residential District.
- Z-4** PD20-022 Vinkus Properties LLC (6094, 6096, 6104 New Copeland Rd)  
Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "PUR", Planned Unit Residential District with final site plan.

- Z-5** Z20-052 CRUTCHFIELD FAMILY LIMITED PARTNERSHIP (502 SAUNDERS AVENUE)  
Request that the City Council consider approving a zone change from “R-1B”, Single-Family Residential District to “INT”, Institutional District.
- Z-6** C20-011 CRUTCHFIELD FAMILY LIMITED PARTNERSHIP AND CHRISTUS TRINITY MOTHER FRANCES HOSPITAL AND JGJL PROPERTIES LLC (UNIMPROVED PORTION OF AN ALLEY RIGHT-OF-WAY)  
Request that the City Council consider approving the closure of an unimproved alley right-of-way running parallel to Saunders Ave and S. Fleishel Ave.
- Z-7** C20-012 CRUTCHFIELD FAMILY LIMITED PARTNERSHIP AND CHRISTUS TRINITY MOTHER FRANCES HOSPITAL (IMPROVED PORTION OF AN ALLEY RIGHT-OF-WAY)  
Request that the City Council consider approving the closure of an improved alley right-of-way adjacent to Saunders Ave.
- Z-8** F20-143 ROYAL VISTAS ESTATES, FINAL PLAT  
Request that the City Council consider an appeal of the Planning and Zoning Commission’s denial of a plat and proposed variances that would provide modifications to subdivision design standards related to a 47 lot subdivision containing approximately 24.54 acres of land located north of the northeast intersection of County Road 178 and Club Drive. The applicant is appealing the decision of the Planning and Zoning Commission to deny the plat and requested modifications.

## **HEARING**

- H-1** Request that the City Council consider conducting a hearing for citizen participation for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) Consolidated Annual Performance Evaluation Report (CAPER).

## **ORDINANCE**

- O-1** Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2020-2021 Budget to provide funding to complete various construction projects, motor vehicle purchases, and other purchases not completed by September 30, 2020, as anticipated.

## **MISCELLANEOUS**

- M-1** Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending September 30, 2020.
- M-2** Request that the City Council consider authorizing the City Manager to sign a Contract and Letter of Engagement for Internal Audit Services with Henry & Peters, P.C. to perform the Fiscal Years 2021-2025 Internal Audits.

- M-3** Request that the City Council consider authorizing the City Manager to approve Change Order No. 1 to the construction contract for the 2020 Asphalt Enhancement project in the amount of \$81,761.53.
- M-4** Request that the City Council consider authorizing the City Manager to approve Change Order No. 1 to Reynolds & Kay, Ltd. for the Arbor Oaks Drainage and Street Improvements project in the amount of \$231,111.00.
- M-5** Request that the City Council consider authorizing the City Manager to enter into an agreement with Werner-Taylor Land & Development, L.P. for the partial funding of the extension of Three Lakes Parkway, in an amount not to exceed 29.9 percent of the final project costs. The City's portion is currently estimated at \$960,332, to be reimbursed monthly throughout the length of construction.
- M-6** Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$141,840 with Adams Engineers and Development Consultants for the Consent Decree Force Main and Air Relief Valve Inspection and Design.
- M-7** Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$99,680.00 with Adams Engineers and Development Consultants for the Sanitary Sewer Line Relocation Design.
- M-8** Request that the City Council consider authorizing the City Manager to award Bid No. 21-001 to TCMC Commercial, L.P. of Tyler, Texas, to furnish all necessary materials, equipment, superintendence, and labor for the amount not to exceed \$243,164.90, for the construction of Lindsey Park bathroom repurposing and authorize the Sourcewell National Coop vendor CXT Precast Products, of Spokane, Washington, to provide three (3) TAOS prebuilt concrete bathrooms for this project in an amount not to exceed \$403,920.00 for a total of \$647,084.90 for this project.
- M-9** Request that the City Council consider authorizing the City Manager to award the overall low bid to Paragon Construction & Associates of Tyler, Texas, to furnish all necessary materials, equipment, superintendence, and labor for an amount not to exceed \$92,853.00, for the remodel of the lower bathrooms of Faulkner Park baseball complex.

### **BOARD APPOINTMENTS**

- B-1** Request that the City Council consider making appointments to the Disability Issues Review Board, Keep Tyler Beautiful Board, Neighborhood Revitalization Board and the Half Cent Sales Tax Board.

### **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 approving the 2020 Certified Property Tax Roll.

- C-A-2** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2020.
- C-A-3** Request that the City Council consider authorizing the City Manager to approve the release of final retainage in the amount of \$21,063.71 to Reynolds & Kay, Ltd. for the Brynmar Addition Drainage Improvements project.
- C-A-4** Request that the City Council consider approving the requested gate rate increase at Greenwood Landfill by Republic Services from \$32.00 per ton to \$34.00 per ton.
- C-A-5** Request that the City Council consider awarding Hawley Disposal as the primary vendor for refuse collection assistance as per RFP 20-075.
- C-A-6** Request that the City Council consider approving payments to Holland & Knight for legal services related to the formation and legal defense of the Rose City Municipal Utility District (MUD).
- C-A-7** Request that the City Council consider authorizing the City Manager to execute the Final Reconciliation Change Order with SpawGlass Civil Construction, Inc. decreasing the total contract amount by \$75,151.91, for the 2018 Federal Aviation Administration (FAA) Airport Improvement Project (AIP Project No. 3-48-0215040-2018 Taxiway Charlie/Foxtrot Rehabilitation Project at Tyler Pounds Regional Airport.
- C-A-8** Request that the City Council consider ratifying the submission of the application between the Transportation Security Administration (TSA) and the City of Tyler for the renewal of the CY 2021-2023 Law Enforcement Officer (LEO) Reimbursement Program.
- C-A-9** Request that the City Council consider authorizing the City Manager to approve the release of final retainage payment in the amount of \$20,958.72 to W.M. Miller Construction for the Hidden Palace Subdivision project.
- C-A-10** Request that the City Council consider approving a re-plat of Lots 5-A and 5-B in the Eastside No. 5 subdivision, located on Lake Tyler.
- C-A-11** Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property at Lake Tyler to Thomas Andrew Proctor.
- C-A-12** Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property at Lake Tyler to the Reserve at Lake Tyler Homeowners' Association.
- C-A-13** Request that the City Council consider authorizing the City Manager to renew an Interlocal Agreement with Andrews Diversified Industries of Tyler, Texas in an amount not to exceed \$58,940 for the Litter Control program.
- C-A-14** Request that the City Council consider authorizing the City Manager to approve purchasing goods through Sourcewell National Coop, whereby the City of Tyler can take full advantage of purchasing any and all items available through this cooperative. Also request that the City Council consider authorizing the City Manager to purchase various precast portable bathrooms and parts through the cooperative.

- C-A-15** Request that the City Council consider authorizing the City Manager to execute the lease for the new twenty year Fixed Based Operator (FBO) lease for the period of October 1, 2020 to September 30, 2040 between the City of Tyler and JW JetCorp., Ltd dba Jet Center of Tyler at Tyler Pounds Regional Airport.
- C-A-16** Request that the City Council consider ratifying the Settlement of the Christine Parker v. City of Tyler and Smith County, Texas, et al. lawsuit.

## **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**