

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

A regular called teleconference meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 22, 2020 at 9:00 a.m. in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Martin Heines
Mayor Pro Tem:	Bob Westbrook
Councilmembers:	Linda Sellers
	Vacant
	Broderick McGee
	Shirley McKellar
	Vacant
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Housing Manager of Neighborhood Services:	Prentice Butler
Managing Director of Planning & Economic Development:	Heather Nick
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Westbrook.

**MINUTES**

Motion by Councilmember McKellar to approve the February 26, 2020 minutes; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

**PRESENTATION**

**P-1 Request that the City Council receive a presentation regarding the state of the U.S. Department of Housing and Urban Development (HUD) Housing Choice Voucher Program as administered by the City of Tyler for Program Year 2019.**

Motion by Councilmember McKellar; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

**ZONING**

**Z-1 C20-001 MLEANDRO REALTY LLC (UNIMPROVED ALLEY RIGHT-OF-WAY)  
Request that the City Council consider approving the closure of an unimproved street right-of-way. (O-2020-36)**

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

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**Z-2 C20-002 HALBERSTADT SHAUN AND ABIGAIL ELIZABETH (UNIMPROVED RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved street right-of-way. (O-2020-37)**

Motion by Councilmember McGee; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

**Z-3 PD20-005 GOT INVESTMENTS LLC (1533 MASSEY DRIVE AND 1514 HARMONY STREET) Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "PUR", Planned Unit Residential District with a final site plan. (O-2020-38)**

Motion by Councilmember McKellar; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

**Z-4 PD20-006 KATY TYLER 6 PROPERTIES LLC (2324 HAVERHILL DRIVE) Request that the City Council consider approving a "PMF", Planned Multi-Family Residential District site plan amendment. (O-2020-39)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

**Z-5 Z20-008 CURTIS W E JR AND ALM INTERESTS, INC (2700, 2722 VAN HIGHWAY AND 1708, 1716, 1722 SHAWNEE BOULEVARD) Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District and "C-1", Light Commercial District to "C-1", Light Commercial District and "C-2" General Commercial District. (O-2020-40)**

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

**Z-6 Z20-009 SHACKELFORD CREEK LAND COMPANY LLC (675 MARSH FARM ROAD) Request that the City Council consider approving a zone change from "PUR", Planned Unit Residential District to "C-1", Light Commercial District. (O-2020-41)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

**Z-7 Z20-012 IBARRA JAIME BARBOZA AND MARIA (514 NEGEM DRIVE) Request that the City Council consider approving a zone change from "C-2", General Commercial District to "R-1B", Single-Family Residential District. (O-2020-42)**

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

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- Z-8 Z20-013 MASTER CUSTOM HOMES INC (2603 GARDEN VALLEY ROAD AND 1403 SHAWNEE BOULEVARD) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District and “R-1B”, Single-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District.**

Motion by Councilmember Sellers to table the item for 30 days; seconded by Councilmember McKellar; motion carried 5 - 0 & item tabled.

## **RESOLUTION**

- R-1 Request that the City Council receive a presentation and consider adoption of a Resolution approving the final draft of the Tyler 1st Comprehensive Plan update as a guide for making decisions for the future growth and development of the City of Tyler. (R-2020-20)**

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

- R-2 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of right-of-way and easement interest on land owned by Paul and Robin Strait for the construction of the Cambridge Road Improvement project. (R-2020-21)**

**Lisa Crossman, City Engineer** – Stated that on January 10, 2018, City Council determined the necessity for and authorized the design of the Cambridge Road Improvements. In order to construct the road and drainage improvements, additional land for right-of-way is required across a tract of land owned by Paul and Robin Strait. To date, the Tyler City Engineering Department, through a right-of-way (ROW) agent, has attempted to negotiate for the required right-of-way. At this time, the City and the property owner are unable to agree on the value of the land or the damages to be paid. Further settlement negotiations have become futile and impossible. Therefore, staff is requesting City Council authorization to proceed with condemnation of the necessary right-of-way across the aforementioned property.

Motion by Mayor Pro Tem Westbrook to move that the City of Tyler authorize the use of the power of eminent domain to acquire easement and right-of-way interests on two tracts of land owned by Paul and Robin Strait, being a 0.226-acre tract of land and a 0.096-acre tract of land, in the Benjamin Fry Survey, Abstract No. 356, City of Tyler, Smith County, Texas, part of a called 2.739-acre tract described in a Warranty Deed from Restoration Church, Inc. to Robin L. Strait recorded in Volume 6140, Page 1 of the Public Records of Smith County, Texas, in order to construct road and drainage improvements; and that this first record vote applies to all units of property to be condemned; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

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**Record Vote:**

Mayor Martin Heines, - Aye  
Mayor Pro Tem Bob Westbrook - Aye  
Councilmember Linda Sellers - Aye  
Councilmember Broderick McGee - Aye  
Councilmember Shirley McKellar- Aye

**MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to execute an engineering contract with Schaumburg and Polk, Inc. for the Melinda and Donna Street Reconstruction project in the amount of \$207,600.**

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

**M-2 Request that the City Council accept the CARES Act CDBG-CV funds in the amount of \$514,341.**

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

**M-3 Request that the City Council consider authorizing the City Manager to use utility revenue bond funds related to the Consent Decree to reimburse A.E. Shull & Company, as part of their IDIQ contract, for Consent Decree "Group 2 Manhole Remedial Work", not to exceed \$150,000.**

Motion by Councilmember Sellers; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

**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 to execute a contract with HdL Companies for Sales and Use Tax Reporting/Audit Services for a period of one year with an option to renew for additional one year terms. Also, authorize the City Manager to remit payments to HdL Companies that are in accordance with all contract terms.**

**C-A-2 Request the City Council consider authorizing the City Manager to purchase a John Deere Model 333G compact track loader with mulching head attachment from Doggett through Texas BuyBoard contract #601-19 for maintenance of the Lake Tyler, Lake Tyler East and Lake Bellwood Dams at a cost of \$102,031.00.**

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- C-A-3 Request that the City Council consider authorizing the City Manager to approve purchasing goods through The Oklahoma Statewide Purchasing System, whereby the City of Tyler can take full advantage of purchasing any and all items available through these cooperatives. Also request that the City Council consider authorizing the City Manager to purchase (1) Paratransit Low Floor Van through the cooperative with the usage of Transportation Development Credits (TDC's) to offset local match.**
- C-A-4 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2223 N. Ross within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-22)**
- C-A-5 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1008 W 32nd St. within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-23)**
- C-A-6 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 1 to clarify the City Council's authority related to fees and fee procedures. (O-2020-43)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as amended.

- C-A-7 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 1 to update and clarify certain City Board residency requirements to ensure that the City Council maintains the discretion to appoint both City residents and non-residents to serve on City Boards. (O-2020-44)**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McGee; motion carried 5 - 0 & approved as amended.

- C-A-8 Request that the City Council consider adopting a Resolution ratifying the updated submission of a Transportation Alternative and Safe Routes to School (TA/SRTS) grant application for the City of Tyler Legacy Trail Phase II project to be filed with the Texas Department of Transportation and committing the local matching funds should the City be selected for the grant. (R-2020-24)**

**C-A-6 was pulled from the consent items and voted on separate.**

Motion by Mayor Pro Tem Westbrook; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

**C-A-7 was pulled from the consent items and voted on separate.**

City Council would like to see that members of City Boards should generally be City of Tyler residents. Except as otherwise set forth herein, the City Council retains the discretion to appoint any person that it deems to be qualified to serve on a particular City Board if the

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appointee either is a City of Tyler resident or is a resident of Smith County, Texas. The majority of the total membership of each City Board shall be City of Tyler residents, while a minority of the total membership may reside outside of the City limits but within Smith County, Texas. All members of the One-Half Cents Sales Tax Corp., Inc. Board and the Planning and Zoning Commission must be City of Tyler residents.

Motion by Mayor Pro Tem Westbrook to approve with the recommended changes; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

Motion by Mayor Pro Tem Westbrook to approve the rest of the consent items; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

### **CITY MANAGER'S REPORT**

1. My report today will primarily be focused on the COVID -19 efforts that the organization and the community is doing. One of the things we have talked about quite a bit is the contact tracing. We have been able to provide Police and Fire to assist Net Health with their ability to kind of be just right on top of as soon as we have confirmed cases, of trying to track down just where that confirmed case made contact with others, so it can be continued to see where possible hotspots. We have also now drafted our GIS department into this effort so that they are also mapping and working to determine where are areas of spread. So especially as we talk about and you'll hear more from the governor even next week about kind of the opportunities, to kind of get some different businesses and things going. One of the things that we are very concerned about is as we do that, that we are able to locate hotspots immediately in order to be able to minimize the impact, spread, and contagion that is occurring in those areas.

**Mayor Heines** – Stated that one thing that has been so fascinating to him is that you all have been on the phone and been in a lot of the meetings. The idea of contact tracing seems to be such a new topic on the national TV because they have all been talking about mitigation, right. I think we started the emergency operation command center 31 days ago. I think at that point there were 3 or 4 cases and I will tell you that we collaborated immediately with North East Texas Public Health. Where they had, two or three employees and we filled that gap with City of Tyler employees and County employees. So this whole idea of contact tracing, we have had 15 to 20 people, we probably started off with 5 or 6 people, now I think it's expanded to probably 15 to 20 people that are working on that, so we have never been not contact tracing which is really helped, he thinks, tremendously in being able to keep the numbers down because then we were communicating with the people that had been in contact with people that got it and asked them to make sure that they were quarantined.

City Manager, Ed Broussard – Stated that one of the interesting things on this has been when you compare our numbers, and we do this regularly, our numbers here in Smith County and Tyler with some of our different markets our size especially kind of hub

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cities. Take Lubbock for example in Lubbock County or Bryan College Station area in Brazos County, which are very similar size to Tyler in Smith County their cases and deaths have been varied as far as much and greater than ours have. A lot of that has to do with what happens when you get in nursing homes, this is something I'm very proud of our staff and Net Health, is as soon as we determined to confirm a case within a nursing home or having anything to do with the nursing home, because of contact tracing and kind of linking all that back together we were isolating and quarantining and as far as taking actions to make sure that those people did not infect anyone at any of the nursing homes. Our nursing home as far as confirmed cases has been very low as compared to other as far as markets our size especially here in Texas, because of the work of your city staff and Police and Fire and with Net Health.

2. Airport- We were very concerned going into this as you can imagine no one is flying in or out however American Airlines does continue to operate because of part of their requirements to get federal funding is they have to continue operations even though no one is getting on the plane, which is fine, because it allows for American to continue to have a presence here at Tyler Pounds field. With the Cares Act, they have been able to backfill quite a bit of the gap that we were concerned about on the airport fund side of things. They are paying essentially for many of our projects, the remaining 10 percent that we would have to be, as well as funding our share for different programs and kind of backfilling some of the, as far as lost revenue that we would be expecting at the airport. Therefore, the Cares Act has actually been making a good impact on our Airport fund. In fact, one of the things that is for additional projects and a couple of different ones were looking at is preparing for a \$2.5 million dollar project related to perimeter security around the airport; we did have to pay a 10 percent match on that. Now, with the Cares Act they are going to pay our 10 percent so there will be 100 percent federal funding for that type of project, also for our airport rescue firefighting trucks the ARF that is out there is our huge piece of equipment. We have been looking and trying to plan how to purchase an ARF replacement out there and the funding that we are looking at possibly through the Cares Act would pay 100 percent of that, if we were able to take advantage of it, and so we most definitely want to continue to take a look to see how that can be plugged in so that we can continue to improve the airport as well as make sure that its financial security is there through, as far as, federal funding coming available.
3. Another item that is somewhat as far as COVID-19, but we still want to continue to beat the drum on is the census 2020 is currently underway.
4. And one of the things that were kind of weighed upon and a lot of people probably been asking has been in relationship to the Governor's executive order which is what is kind of the law of the land right now for his "Stay at Home Order." He had a press conference last Friday and will have another press conference on this subject next Monday but the one last Friday he extended the stay at home order until April 30th of this month. On April 27<sup>th</sup>, he will have additional executive orders that will be issued depending on the data and recommendations of his new strike forced "Open Texas" that he has created. Some of the different dates that we want to make sure that we're kind of paying attention to and that we know that we work with our community on is that the opening we done in stages with the first stage to open were minimal or no

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threat of transmission or infection. The second stage others will be revealed in an executive order to be issued on Monday and then the third stage which we may more announcements be made depending on whether our testing capacity is sufficient to test all Texans in our hospital capacity is still good.

**Mayor Heines** - Thanked Chief Coble and stated that he knew was a rock star when the City hired him from Fort Worth as Fire Chief. I will tell you that his work at the emergency operations command has been incredible. Saying that he also sent a compliment to Smith County. Smith County, the City of Tyler and the Public Health organizations all the Universities, the hospitals, everybody worked together so well during this process and I am very appreciative of everybody.

**ADJOURNMENT**

Motion by Mayor Pro Tem Westbrook to adjourn the meeting at 11:12 am; seconded by Councilmember McGee; motion carried 5 - 0 & meeting adjourned.

  
MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

