

**MINUTES OF THE TELECONFERENCE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 13, 2020**

A regular called teleconference meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 13, 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
	Vacant
	Broderick McGee
	Shirley McKellar
	Vacant

City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean

Risk Manager:	Sara McCracken
Community Development Block Grant Manager:	Dustin Wilson
Director of Solid Waste & Transit Services:	Russ Jackson
City Engineer:	Lisa Crossman
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember McKellar.

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 March 25, 2020.

Motion by Councilmember McGee to approve the March 25, 2020 minutes; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

RESOLUTION

R-1 It is recommended that the City Council consider adopting a resolution finding that ONCOR Electric Company's requested increase to its distribution cost recovery factor and its distribution rates and charges within the City should be denied and finding that the City's reasonable rate case expenses shall be reimbursed by the Company. (R-2020-25)

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

- R-2 Request that the City Council consider adopting a Resolution supporting and approving the issuance of the 04/09/2020 Order of the Local Health Authority for Smith County, Texas, for the provision of non-congregate shelters to address the COVID-19 emergency; and consider ratifying and approving all actions taken by the Mayor of the City of Tyler, Texas, associated with the issuance of such Order by the Local Health Authority. (R-2020-26)**

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

- R-3 Request that the City Council consider adopting a resolution to authorize the application for and acceptance of Federal Transit Administration (FTA) Coronavirus Aid Relief, and Economic Security Act (CARES) Grant Funds in the amount of \$5,337,067 for the purpose of providing public transportation for the City of Tyler, which does not require local match. This resolution also accepts any grant amendments. (R-2020-27)**

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

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 1, Article IV., by updating, clarifying and amending the City Administrative Appeals Process. (O-2020-45)**

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

- O-2 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 1 to update and clarify the City's Emergency Preparedness provisions to track the State law more closely and to reflect current practices. (O-2020-46)**

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

- O-3 Request that the City Council consider adopting an ordinance amending the City of Tyler's Citizen Participation Plan for Community Development Block Grant (CDBG) Fund Allocations. (O-2020-47)**

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

HEARING

- H-1 Request that the City Council conduct a public hearing for citizen participation and to consider approving a substantial amendment to the 2019 Annual Action**

May 13, 2020

Plan and programming of Community Development Block Grant Coronavirus (CDBG-CV) funds.

Mayor Heines opened up the public hearing at 9:18 am and no one came forward to speak so Mayor Heines closed the public hearing at 9:20 am.

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

- H-2 Request that the City Council conduct a public hearing and consider adopting an Ordinance amending Tyler City Code Chapter 15 to adopt a proposed Electric Power Franchise Ordinance with Oncor Electric Delivery Company, LLC, on the first of three readings. Item pulled from the agenda**

MISCELLANEOUS

- M-1 Request that the City Council review and consider accepting the City of Tyler's workers' compensation, property and casualty claim and lawsuit report for fiscal year 2017-2018, 2018-2019 and 2019-2020 through March 31, 2020 and ratify all claim payments and settlements during that time frame in the amount of \$1,349,412. This includes 18 claim payments of \$25,000 or more and 11 litigated claims.**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a contract with Applied Research Associates, Inc. for engineering services to provide a pavement condition survey and other pavement management services for a total contract amount of \$207,300.00.**

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

- M-3 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order in the amount of \$91,675.04 and the release of the final payment including retainage in the amount of \$83,232.24 to Reynolds and Kay, LLC for the Courtney Miller Drainage Improvements project.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute a construction contract with W.M. Miller Construction in the amount of \$435,475.00 from the Community Development Block Grant Fund for the construction of the Hidden Palace Subdivision project.**

May 13, 2020

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

- M-5 Request that the City Council consider authorizing the City Manager to award Bid No. 20-027 for Emmett J Scott Park renovations to Garrett & Associates to furnish all necessary materials, equipment, superintendence, and labor for a total not to exceed \$562,120 from the Community Development Block Grant Fund.**

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

- M-6 Request that the City Council consider authorizing the City Manager to purchase one new Gillig Low Floor Fixed Route Bus and three new Chevy Arboc Buses for a total purchase of \$870,265 utilizing grant funds and Transportation Development Credits.**

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

- M-7 Request that the City Council consider authorizing the City Manager to award IBC Construction LLC as the successful bidder for Bid 20-023 to furnish all necessary material, equipment, superintendence, and labor to replace the underground fuel storage tanks, leak detection system, fuel, oil, and diesel exhaust fluid (DEF) dispensing system per Texas Commission of Environmental Quality (TCEQ) regulations in the amount of \$344,700.00. This does not include material remediation if necessary as directed by TCEQ testing.**

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

BOARD APPOINTMENTS

- B-1 Request that the City Council consider appointing members to the Airport Board and the Half Cent Sales Tax Board for the Central District.**

Motion by Mayor Heines to appoint C Perry Marshall to the Airport Advisory Board; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

Motion by Councilmember Sellers to appoint Trey Graham to the Half Cent Sales Tax Board; 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 adoption of an updated Resolution approving the continued participation in the Texas State Department of Information Resources (DIR) Program and General Services Commission Local Government Purchasing Program and authorizing the City Manager to renew several annual leases for technology equipment including computers, software, and telephones from approved vendors previously obtained through this program for FY 2019-2020. (R-2020-28)
- C-A-2** Request that the City Council consider authorizing the City Manager to award Eagle Fuel & Oil LP, Tyler Travel Center, and Triple J as successful bidders for bid 20-024 to provide external fueling for the City of Tyler fleet during the fuel storage tank replacement project at the City of Tyler Oakwood Complex.
- C-A-3** Request that the City Council consider adopting a Resolution authorizing the sale of certain tracts of land located at 345 and 351 Fairway within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-29)
- C-A-4** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2600 North Confederate and 2527 and 2523 North Englewood within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-30)
- C-A-5** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2114 Boswell within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-31)
- C-A-6** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1600 East Earle within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-32)
- C-A-7** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1512 North Palace within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-33)
- C-A-8** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 413 Parker within the City of Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-34)

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

CITY MANAGER'S REPORT

1. With the COVID-19 crisis still going on many of our facilities are open by appointment only and we are still evaluating the Glass Recreation Center on how best to open back up. Quite a few activities are been held outside and we have class sizes that are limited to make sure that social distancing occurs.

May 13, 2020

Fun Forest pool is one were also evaluating how best to open that up in mid-June as we complete that project so that we can be able to have social distancing and looking at CDC guidelines as well as the Park Association guidelines on how best to kind of have limited groups of people in there but to be able to still have the pool open for the summer for usage.

2. The library has begun curbside service this past week so that for those people who are wanting to check something out it, can be able to go online check it out or call and then have that brought out to their car as they get there.
3. The recycling center opened up last week as well for you to be able to drop off your recycling goods, if that is your choice.
4. We also have been working with the State and one of the things that they have going on at Harvey Hall yesterday today and tomorrow is drive through testing for first responders and for people who are symptomatic.
5. The Governor put out an order yesterday or Monday to order the testing for all staff and residents.
6. Russ mentioned earlier about the playground equipment survey being done for Emmett J Scott Park through social media sites, newspaper, and TV trying to get that information out there and we are very excited about that project.
7. Tomorrow we will be releasing the video for police officers memorial. Because of the current pandemic we went ahead and filmed it, and put together a video that can be released to share with our community so that they can take part and think about those men and women who are putting themselves in danger to protect our safety.
8. Frontier Airlines had discussed earlier this year about pulling out of the Tyler market just because they were not getting the response that they were fully hoping for and they have announced that they are restarting their service. That actually begin yesterday that they resumed services to Denver, it does have a quick layover in DFW but then will stop at DFW and then continue on to Denver from there.


ADJOURNMENT

Motion by Mayor Pro Tem Westbrook to adjourn the meeting at 10:07 am; seconded by Councilmember McGee; motion carried 5 – 0 & approved as presented.

ATTEST:


CASSANDRA BRAGER, CITY CLERK




MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS