

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

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

City Manager: Edward Broussard
City Attorney: Deborah G. Pullum
Sr. Assistant City Attorney: Regina Y. Moss
Managing Director of Administrative Services/HR: ReNissa Wade
Chief Financial Officer: Keidric Trimble
Compliance Engineer: Paul Neuhaus
Police Chief: Jimmy Toler
Manager Water Quality: Mike Norris
Community Development Block Grant Manager: Dustin Wilson
Director of Solid Waste & Transit Services: Russ Jackson
City Engineer: Lisa Crossman
Planning Director: Kyle Kingma
City Clerk: Cassandra Brager

INVOCATION – Councilmember Sellers

MINUTES

Motion by Mayor Pro Tem Westbrook to approve the minutes for the June 24, 2020 minutes; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

AWARDS

A-1 Request that the City Council consider recognizing 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 40 years of service with the City of Tyler.

- **Timothy Cravens, hired 08/01/2000, Crew Leader in Water Distribution, 20 years of service.**

- **David "Ty" Hendrick, hired 08/30/2000, Police Officer XI in Police Department, 20 years of service.**

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution declaring certain real property located at or in the vicinity of 218 E. Elm Street, Tyler, Texas as surplus property and authorizing the sale of this property to Smith County in accordance with State law. (R-2020-81)

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

HEARING

H-1 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 third of three readings.

Asst. City Attorney, Regina Moss – Gave a brief update on the proposed Electric Power Franchise Ordinance with Oncor Electric Delivery Company, LLC. This reading is the first of three readings.

City Council went into public hearing at 9:10 am
City Council closed the public hearing at 9:10 am with no one coming forward to speak.

H-2 Request that the City Council consider conducting a public hearing on the proposed Fiscal Year 2020-2021 Annual Budget and on the proposed property tax rate of \$0.2590 per \$100 of taxable property value and consider taking action to adopt the proposed tax rate and Fiscal Year 2020-2021 Annual Budget on September 9, 2020.

City Manager, Edward Broussard – Gave a brief presentation on the on the proposed Fiscal Year 2020-2021 Annual Budget.

City Council went into public hearing at 9:22 am
City Council closed the public hearing at 9:22 am with no one coming forward to speak.

ZONING

Z-1 PD20-010 UTZ ELVYN ERVIN (15.51 ACRES OF LAND)

Request that the City Council consider an appeal of the Planning and Zoning Commission's denial of a zone change from "R-1A", Single-Family Residential District to "PUR", Planned Unit Residential District with a final site plan. (O-2020-74)

Jack Walker – Mr. Walker presented an agreement that was negotiated and signed by the parties and filed in the land records with Smith County.

Summarization of the agreement:

1. To Establish “Green Belt” and “Setback” areas on the property.
2. Construct and maintain a diversion channel for the drainage area.
3. Wasson Engineers develop and consult with Brannon on site plan.
4. Willow Brook County Club to notify City of Tyler and P&Z of agreement by letter and file in Land Records and withdraw opposition upon completion of the following:
 - a. Developer’s Engineer to develop and deliver site plan to Brannon
 - b. Brannon approves proposal from Developer’s Engineer
 - c. Developer compliance with obligations of the agreement.
 - d. Written agreement within 30 days by lender to be bound by the deed restrictions and agreements.
 - e. Covenant from developer of no other liens on the property.

Michael Gazette – Stated that the deed has been approved as a record and the agreement has been approved as a site plan. The City of Tyler is not a party of the contract and neither is the lender.

Jake Fears-Stated that he was here in support of the development and he represented Mr. Wasson.

Jack Wasson, Developer- Stated the only elements left for the City Council to consider are the site plan, the clubhouse activity center, and the additional lots (what remains are the total number of townhouses in development of 116).

Motion by Mayor Heines to approve a zone change from “R-1A”, Single-Family Residential District to “PUR”, Planned Unit Residential District with a final site plan; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

Z-2 C20-007 LAURA AND DANIEL RANGEL (UNIMPROVED ALLEY RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved portion of right-of-way bound by East Granville Street and East Nutbush Street. (O-2020-75)

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

Z-3 C20-008 MARIAH CRIMES (UNIMPROVED ALLEY RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved alley right-of-way. (O-2020-76)

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

Z-4 PD20-011 REED DEVELOPMENT COMPANY LLC (2.70 ACRES OF LAND) Request that the City Council consider approving a "PUR", Planned Unit Residential District site plan amendment. (O-2020-77)

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

Z-5 S20-005 ONCOR ELECTRIC DELIVERY COMPANY LLC (436 SOUTH SOUTHWEST LOOP 323) Request that the City Council consider approving a Special Use Permit to expand the electric utility substation. (O-2020-78)

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

Z-6 Z20-029 HATDINE LLC (2316 EAST FIFTH STREET) Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "C-2", General Commercial District. (O-2020-79)

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

Z-7 Z20-032 PHILLIPS BOBBY RAY & MARY 1 LIFE ESTATE (501 EAST RIX STREET) Request that the City Council consider recommending a zone change from "R-1B", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2020-80)

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

Z-8 Z20-030 DC DRIVE PARTNERS LLC (4409 DC DRIVE) Request that the City Council consider approving a zone change from "C-2", General Commercial District to "M-1", Light Industrial District. (O-2020-81)

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

Z-9 Z20-034 LOGGINS LARRY & TERRY (7.52 ACRES OF LAND ON HAVERHILL DRIVE) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-1B", Single-Family Residential District and "R-1D", Single-Family Detached and Attached Residential District. (O-2020-82)

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

Z-10 Z20-036 MCCUIN OHELL & CANZADA & SMITH COUNTY (1003 AND 1005 TREZEVANT STREET) Request that the City Council consider recommending a zone

change from “R-2”, Two-Family Residential District to “R-1D”, Single-Family Attached and Detached Residential District. (O-2020-83)

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

ORDINANCE

O-1 Request that the City Council consider adoption of an ordinance amending Tyler City Code, Chapter 19, Article IV, Industrial Waste to include the Environmental Protection Agency's Industrial Pretreatment Program Streamlining Requirements. (O-2020-84)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to execute a contract in an amount not to exceed \$110,000 with Habitat for Humanity of Smith County to administer a Utilities Assistance-CV Program funded with CARES Act Community Development Block Grant (CDBG-CV) funds.

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

M-2 Request that the City Council consider authorizing the City Manager to execute a construction contract with Reynolds & Kay, LTD. for the construction of the Bascom Road Water Line project in the amount of \$866,322.00.

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

M-3 Request that the City Council consider authorizing the City Manager to execute a contract with KSA Engineers, Inc. for the design, construction management, and construction inspection of the Glenwood Elevated Storage Tank Rehabilitation project in the amount of \$263,100.

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

M-4 Request that the City Council consider authorizing the City Manager to execute a contract with IPR South Central in the amount of \$1,567,405.50 for the Consent Decree Group 2- Specialty Manhole and Pipe Rehabilitation Package Standard Bid, 20-037.

August 26, 2020

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

M-5 Request that the City Council consider authorizing the City Manager to execute Change Order No. 01 with Taplin Group, LLC, increasing the total contract amount by \$194,137.75 (23 percent) to \$1,038,211.00 for the Cleaning and Closed Circuit Television (CCTV) Recording of Wastewater (Sanitary Sewer) Line, Group 4, Bid No. 19-011.

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making appointments and re-appointments to various City Boards

Airport Advisory Board

Motion by Mayor Pro Tem Westbrook to reappoint C Perry Marshall and appoint Jerry Irwin and Stephen Dinger; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

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

Construction Board of Adjustments and Appeals

Motion by Councilmember McGee to re-appoint David Socia, Max Slicker, Will Doran and James Brooks; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

Motion by Councilmember McGee to re-appoint David Socia, as Chair; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

Historical Preservation Board

Motion by Mayor Heines to re-appoint J. B Smith, Zachary Sabota and James Rowan; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

Motion by Mayor Heines to re-appoint Zachary Sabota as Chair; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

Keep Tyler Beautiful Board

Motion by Mayor Heines to re-appoint Sherri Whatley, Kelby Hill and Archie Castleberry Jr; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

August 26, 2020

Motion by Mayor Heines to re-appoint Archie Castleberry Jr as Chair; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

Northeast Texas Public Health District

Motion by Mayor Pro Tem Westbrook to re-appoint Allison Pollan; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented

Planning & Zoning Commission

Motion by Mayor Heines to re-appoint Beth Whitney and John Landes; seconded by Councilmember Sellers; motion carried 5-0 & approved as presented.

Motion by Mayor Heines to appoint David Hudson and also appoint David Hudson as Chair; seconded by Councilmember Sellers; motion carried 5-0 & approved as presented.

Zoning Board of Adjustments

Motion by Councilmember Sellers to re-appoint Judith Guthrie, Brent Brevard, Timothy Hunt and Nathan Foreman; seconded by Mayor Pro Tem Westbrook; motion carried 5-0 & approved as presented.

Motion by Councilmember Sellers to re-appoint Judith Guthrie as Chair; seconded by Mayor Pro Tem Westbrook; motion carried 5-0 & approved as presented.

Traffic Safety Board

Motion by Councilmember Sellers to re-appoint Chad Maddux and appoint James Volberding, Matthew Vechione, Mena Souliman, John O'Sullivan and John Matthews; seconded by Councilmember McGee; motion carried 5-0 & approved as presented.

Motion by Councilmember Sellers to appoint Chad Maddux as Chair; seconded by Councilmember McGee; 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 apply for and accept fourteenth year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation.

C-A-2 Request that the City Council consider authorizing the City Manager to approve the final release of retainage in the amount of \$6,650.20 to Missouri Petroleum, LLC, for the 2020 ONYX Seal Project.

C-A-3 Request that the City Council consider ratifying the City Manager's execution of a revised Agreement for Access across City-owned property at Lake Tyler to Jerry J. Massey and Rachel L. Taylor.

C-A-4 Request that the City Council consider authorizing the City Manager to execute a Release and Termination of Water Line Easement for a water line easement located across the property located at 730 Beth Drive.

C-A-5 Request that the City Council consider authorizing the City Manager to execute an Agreement with KSA Engineers, Inc. in the amount of \$180,000.00 for the Lake Tyler Dam, Lake Tyler East Dam and Bellwood Lake Dam inspections, summary reports and updates to Emergency Action Plans (EAPs) and Operations and Maintenance (O&M) Manuals.

C-A-6 Request that the City Council consider ratifying expenditures in the amount of \$279,513.33 for work performed by The Brannon Corporation, ETTL and AAA Sanitation, Inc. for the emergency repair of a collapsed culvert and pavement on Public Road.

CITY MANAGER'S REPORT

1. Next week is going to be the kickoff for 903 Counts. This will be a week-long event involving many community partners who are coming together to encourage everyone who has not yet responded to the 2020 Census to do so by the deadline which is September 30. The kickoff will be held in Bergfeld Park in the afternoon on September 3, and the event will conclude with a tie-in to Hit the Bricks downtown on September 12. The results from the Census will impact our community for the next ten years, so we are asking all residents to be spokespeople to your friends, family, and church group. We need everyone counted because 903 Counts.
2. Hurricane Laura Prep:
 - The Emergency Operations Center has been activated and well-staffed beginning tomorrow morning through the hurricane event. Smith County is joining us in the EOC for joint coordination of flooding, tree removal, and public safety issues.
 - County Judge Nathaniel Moran and Mayor Martin Heines have both issued disaster declarations in preparation of the incoming hurricane. These actions will allow the County and City to have access to "wrap-around service costs" for reimbursement purposes with the State and FEMA.
 - The State has instructed the City that we do not need to open the transition hub of our Police Station in Faulkner Park as they are directing evacuee traffic away from Tyler.
 - NETRMA will have the westbound lanes for Toll Road 49 open for free usage from noon today to noon on Friday, which will allow for evacuee traffic to bypass Tyler as it moves toward Dallas-Ft. Worth.

August 26, 2020

- The hotels in Tyler have filled up, with only a couple having any vacancy as of this afternoon.
- From Governor Abbott's official statement this afternoon – Hurricane Laura is projected to make landfall as a major hurricane in Southeast Texas and Southwest Louisiana just after midnight tonight. Un-survivable storm surge is projected to cause catastrophic damage from Sea Rim State Park in Texas into Louisiana. Tropical storm force winds will move into Jefferson and Orange counties around 7:00 PM this evening, and hurricane force winds will be possible just after midnight. Rain bands will begin moving towards the Texas coast this afternoon and will move through East Texas after midnight into Thursday. East Texas is also projected to experience hurricane force winds as the storm travels north.

ADJOURNMENT

Motion by Mayor Pro Tem Westbrook to adjourn the meeting at 10:55 am; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.


MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

