

**MINUTES OF THE TELECONFERENCE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 23, 2020**

A regular called teleconference meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 23, 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
Airport Manager:	Davis Dickson
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Community Development Block Grant Manager:	Dustin Wilson
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Managing Director of Planning & Economic Development:	Heather Nick
City Engineer:	Lisa Crossman
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Westbrook.

**MINUTES**

Motion by Councilmember Sellers to approve the July 22, 2020 minutes; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

**AWARDS**

**A-1 Request that the City Council recognize 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 105 years of service with the City of Tyler.**

Jennifer Roberts, Crimestoppers Coordinator, 20 years of service

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Michael Jordan, Groundskeeper, 20 years of service  
Dustin Goodwin, Fire Captain I, 20 years of service  
John Rains, Fire/Driver/Engineer, 20 years of service  
Michael Malone, Police Lieutenant II, 25 years of service

**RESOLUTION**

- R-1 Request that the City Council consider adopting a Resolution appointing Paul McGaha, D.O as the Smith County Local Health Authority and authorizing the Mayor to sign the required State of Texas Certificate of Appointment. (R-2020-83)**

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

- R-2 Request that City Council consider adopting a resolution authorizing proceedings in eminent domain on property located at 1130 West Franklin to acquire an easement to complete the TJ Austin Sidewalk Project. (R-2020-84)**

Motion by Councilmember McGee moved that the city of Tyler authorize the use of the power of eminent domain to acquire the .028 of an acre road utility and drainage easement track of land situated in the James McKnight Survey abstract 689 and being a part of lot 13 new city block 449 C of the Galloway Edition as shown on plat recorded in volume 101, page 9 of the deed of records of Smith County Texas. Also being a part of that certain tract of land described in a deed from Edith Bolton et al to Sarella Crowder, an Luella McNary, as recorded in volume 621, page 403 of the deed Records of Smith County, Texas, also being a part of tax lot 23 for the purpose of constructing a sidewalk and curb and gutter for the citizens of Tyler, Texas; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

Councilmember McKellar -Aye  
Mayor Pro Tem Westbrook - Aye  
Councilmember Sellers - Aye  
Councilmember McGee - Aye  
Mayor Heines - Aye

**ZONING**

- Z-1 Z20-031 BREWER WILLIAM RALPH III & BRETT ELIZABETH (4912 AND 4928 RICHMOND ROAD)**

**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 "R-1B", Single-Family Residential District.**

**Cathy Harry, 611 Timberwilde - Called in opposed to the zoning change due to drainage, and increase traffic.**

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**Carrie King, 4411 Richmond Rd** – Spoke in opposition of the zone change stating that they are having a lot of problems with drainage and the higher density that goes in there, the more it's going to just cause those problems to get worse.

**Sam Price, 510 Timberwilde Dr.** – Stated that the problem he has with the zoning change is the drainage problems, the run off, the above ground water flow.

**Mitzi Rusk, 609 Barclay Dr.** – Stated that she was in opposition of the zoning change because of the traffic, drainage, noise level and parking concerns.

**William Brewer, 4928 Richmond Rd.** – Spoke in favor of the project.

**Mark Kennedy, 4921 Richmond Rd.** – Spoke against the zoning change.

**Stephenie Roberts, 4520 Richmond Rd.** – Would like the zoning to remain R1A.

**Mark Priestner, 3815 Old Bullard Rd.** – Stated that the fact that it says medium and low density takes out the whole 12,500 square foot lot minimum is not even a question here. So even the 9000 square foot it is consistent with the future land use map which shows this to be appropriate for medium density residential, which is what we're proposing the R1B, which falls in between low density and medium density.

**Carrie King, 4411 Richmond Rd** – Stated that the subdivision is not in opposition to building seven homes as R-1-A

City Council convened for a five (5) minute break at 10:54 am.

City Council reconvened from break at 11:08 am.

**Deborah Pullum, City Attorney** – Stated that the Council has the authority to lower the area. One of the concerns that the Legal Department has, with respect to going outside of what is the current appeal. What we have today is an R1A and a R1B conflict and the Council is here today on the R1B specifically. City Council can table it and the R1B still will come back. That does not mean that your authority on that item is limited in that, but we do believe that there might be a challenge with respect to the notice area if you change it. So, the staff recommendations would be for the Council to either deny the zoning change or to send this request back through the Planning and Zoning Commission. If it is the will of the Council to give the applicant the opportunity to try a different zoning classification like PUR, the applicant would have the ability to take it back through the Planning and Zoning Commission, and it would let the citizens know what is the desired zone change that is being considered. The other option would be to deny the request then have the applicant come back and reapply, which would start the process again. There will be no requirement to wait six months because a PUR zoning change is not in the same zoning they're asking for today. Essentially, the options would be to deny the current request or to take it back through the Planning and Zoning Commission to afford the citizens with a public hearing process.

Motion by Councilmember Sellers to deny the request and go back to Planning & Zoning and wave any fees and not delay; seconded by Mayor Pro Tem Westbrook; motion carried 5 - 0 & approved as presented.

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- Z-2 Z20-026 UTZ ELVYN ERVIN EST (1248 SHAWNEE BOULEVARD)**  
**Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-2", Two-Family Residential District. (O-2020-88)**

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

- Z-3 Z20-037 WILSON GERALD D (1215 WEST 34TH STREET)**  
**Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-MH", Manufactured Home Residential District. (O-2020-89)**

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

- Z-4 Z20-038 BALKANLI AKIN (2901 EAST FIFTH STREET)**  
**Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2020-90)**

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

### **MISCELLANEOUS**

- M-1 Request that the City Council consider approving an amendment to the North End Residential Building Incentives Program, which would revise the minimum eligible project building size from 1,600 square feet of heated and cooled space to 1,300 square feet of heated and cooled space.**

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

- M-2 Request that City Council consider approving a substantial amendment to the 2014, 2015, 2016, 2017, 2018, and 2019 Community Development Block Grant Annual Action Plans.**

Motion by Councilmember McKellar; 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 award Tyler Bid No. 20-029 to Gardner Telecommunications, LLC for the Security & Fencing Improvement Project at Tyler Pounds Regional Airport in the amount not to exceed \$1,978,796.61.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute Amendment 1 Work Order #5 with KSA Engineers in an amount not to exceed**

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**\$132,300.00, to provide construction administrative services for construction of the security & fence improvements at Tyler Pounds Regional Airport.**

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

- M-5 Request the City Council consider authorizing the City Manager to enter into a contract with McGriff, Seibels & Williams in the amount of \$755,116 for Property & Liability Insurance, Hibbs Hallmark & Company in the amount of \$24,535 for Cyber Insurance, Bosworth and Associates for a deposit premium of \$2,000 for Special Event Liability Insurance and Innovative Risk Management in the amount of \$34,560 for Third Party Claim Administration for fiscal year 2020-2021 as the first of two (2) one year renewal options authorized September 11, 2019.**

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

- M-6 Request that the City Council consider authorizing the City Manager to enter into a contract with Hibbs Hallmark & Company in the amount of \$102,476 for Excess Workers Compensation Insurance and Claims Administrative Services for Third Party Claim Administration in the amount of \$30,775 for the City of Tyler for Fiscal Year 2020-2021 as the first of two (2) one year renewal options authorized September 11, 2019.**

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

- M-7 Request that the City Council consider authorizing the City Manager to execute a contract with A.E. Shull & Company in the amount of \$4,338,104.30 for the "Consent Decree Group 2 Traditional Pipe Rehabilitation", Standard Bid No 20-072.**

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

- M-8 Request that the City Council consider approving an estimated \$260,180.58 for preventative and emergency creek crossing repair work related to wastewater line maintenance, to be paid out of existing bond funds.**

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

## **HEARING**

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- H-1 Request that the City Council conduct the second of three public hearings 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.**

City Council opened the public hearing at 12:00 pm with no one coming forward to speak. City Council closed the public hearing at 12:00 pm.

Motion by Councilmember McKellar to approve as presented and move to the next reading; seconded by Councilmember McGee; 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 3, Civil Service Classification Plan by amending the Civil Service Classification Plan and number of authorized Civil Service positions for Fiscal Year 2020-2021. (O-2020-91)**

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

- O-2 Request that the City Council consider adopting an Ordinance amending City Code Chapter 9 to exempt Tyler Independent School District students residing outside of City limits from normal Library membership rates by providing proof of enrollment or student identification. (O-2020-92)**

Motion by Councilmember Sellers; seconded by Councilmember McKellar; 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 Raw Water Supply Agreement with BOT Real Estate, LLC, D/B/A Cascades Country Club, to supply raw water from Lake Bellwood for irrigation purposes only.**
- C-A-2 It is recommended that the City Council consider authorizing the City Manager to extend the annual price agreement to the vendor listed for uniform/floor mat rental for one year beginning October 1, 2020.**
- C-A-3 Request that the City Council consider authorizing the City Manager to approve the use of Analytical Environmental Lab, of Tyler, Texas, Ana-lab of Kilgore, Texas and Lower Colorado River Authority Environmental Laboratory Services of Austin, Texas as sole source vendors for certain testing services in Water Treatment during Fiscal Year 2020-2021.**

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- C-A-4** Request that the City Council consider awarding sealed bids opened August 25, 2020 to the listed vendors for the annual price agreements for the purchase of various water and wastewater treatment chemicals and extend the annual price agreement to the vendor listed for powdered activated carbon for the fiscal year October 1, 2020 through September 30, 2021.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute the renewal of a Fixed Base Operator Lease at Tyler Pounds Regional Airport with Johnson Aviation for the period from October 1, 2020, through September 30, 2025.
- C-A-6** Request that the City Council consider authorizing the City Manager to execute the first renewal option for a five-year period from July 15, 2020 through July 14, 2025 for EAN Holdings, LLC Auto Wholesale Area Lease.
- C-A-7** Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Asphalt/Street Materials; and Utility Cut Base Repair Material for the Fiscal Year beginning October 1, 2020.
- C-A-8** Request that the City Council consider authorizing the City Manager to extend the annual price agreement to the vendor listed for Roadside and Drainage Way Herbicide Spray Program for one year beginning October 1, 2020.

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

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

No report at this time

**EXECUTIVE SESSION** – City Council convened into executive session at 12:10 pm. 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:

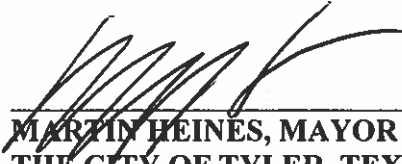
Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City.

City Council reconvened from executive session at 12:28 pm. With no action taken.


#### **ADJOURNMENT**


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Motion by Mayor Pro Tem Westbrook to adjourn the meeting at 12:29 pm; seconded by Councilmember McKellar; motion carried 5 - 0 & meeting adjourned.

  
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MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK



The seal is circular with a double-line border. The outer ring contains the text "CITY OF TYLER" at the top and "TEXAS" at the bottom. The center of the seal features a scale of justice and the word "SEAL" in large, bold letters.