

**MINUTES OF THE TELECONFERENCE AND REGULAR  
CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
November 11, 2020**

A regular called meeting and teleconference meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 11, 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 and
Elected Mayor:	Don Warren
Mayor Pro Tem:	Bob Westbrook
Councilmembers:	Linda Sellers
	James Wynne
	Broderick McGee
	Shirley McKellar
	Brad Curtis
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Davis Dickson
Interim Main Street Director:	Amber Rojas
Managing Director of Administrative Services/HR:	ReNissa Wade
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Managing Director of Planning & Economic Development:	Heather Nick
City Clerk:	Cassandra Brager

The Invocation was given by David Luckenbach, Director of Christ Church Tyler

**MINUTES**

Motion by Councilmember Sellers to approve the September 23, 2020 minutes; seconded by Mayor Pro Tem Westbrook; motion carried 5-0 & approved as presented.

**ELECTIONS**

**E-1 Request that the City Council consider canvassing the returns of the City Council Election held November 3, 2020, for Mayor at Large, District No. 2, 4, and 6 and adopting an Ordinance declaring the results. (O-2020-103)**

Mayor at Large	Joel Rando	9,955
	Don Warren	23,670

City Councilmember, District 2	Broderick McGee	3,105
	Derrith Bondurant	962
City Councilmember, District 4	James Wynne	2,216
	Nick Pesina	2,113
City Councilmember, District 6	Brad Curtis	7,984

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

**E-2 Request that a certificate of election and the Oath of Office be administered to the newly elected Mayor At Large.**

Judge McCullough administered the Oath of Office to the Mayor at Large, Don Warren.

**E-3 Request that a certificate of election and the Oath of Office be administered to the re-elected City Councilmember for District No. 2.**

Pastor Curry administered the Oath of Office to the re-elected Councilmember Broderick McGee.

**E-4 Request that a certificate of election and the Oath of Office be administered to the newly elected City Councilmembers for District No. 4 and 6.**

Judge McCullough administered the Oath of Office to the newly elected City Councilmembers James Wynne for District No. 4 and Brad Curtis for District No. 6.

(NOTE: New City Council members take their seats on the dais)

**E-5 Request that the City Council consider electing a Mayor Pro Tem.**

Motion by Mayor Pro Tem Westbrook to appoint Councilmember Broderick McGee as Mayor Pro Tem; seconded by Councilmember McKellar; motion carried 7-0 & approved as presented.

**ZONING**

**Z-1 Z20-044 GENCORE LLC (5961 EAGLES NEST BOULEVARD)  
Request that the City Council consider approving a zone change from "RPO",  
Restricted Professional Office District to "R-MF", Multi-Family Residential District.  
(O-2020-104)**

Motion by Councilmember Westbrook; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented

- Z-2**            **Z20-048 CHRISTUS TRINITY MOTHER FRANCES HEALTH SYSTEM (513 SOUTH FLEISHEL) (O-2020-105)**  
**Request that the City Council consider approving a zone change from "RPO", Restricted Professional Office District to "INT", Institutional District.**

Motion by Councilmember Sellers; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

### **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.**

**George Roberts, Northeast Texas Public Health District** – Gave an update regarding COVID-19 in Tyler and Smith County from the Northeast Texas Public Health District.

### **RESOLUTION**

- R-1**            **Request that the City Council consider adopting a Resolution authorizing the filing of an application with the Texas Parks and Wildlife Department (TPWD) and approving the City's local match in the amount of \$750,000.00 for a Local Parks Non-Urban Outdoor Recreation Grant for the Rose Complex Parks and authorizing the City Manager to take all actions needed to receive and expend grant funds. (R-2020-95)**

Motion by Councilmember Sellers; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

### **MISCELLANEOUS**

- M-1**            **Request that the City Council consider declaring the former Fire Station #4 at 309 W. Martin Luther King Jr. Blvd., building and surrounding tracts of land to be surplus and donating said real property to the Empowerment Community Development Corporation for the purpose of operating the Texas African American Museum, and consider authorizing the City Manager to execute all documents necessary to accomplish the donation.**

Motion by Councilmember McKellar; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

- M-2**            **Request that the City Council consider adoption of the updated application for temporary street and lane closures, parades, block parties, right-of-way use, and other temporary uses and special events, in the Downtown Business, Arts and Cultural District (DBAC).**

Motion by Councilmember Curtis; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

- M-3 Request that City Council consider authorizing the City Manager to approve Change Order No. 1 to the construction contract for the Martin Luther King Jr. Improvements project in the amount of \$247,677.46.**

Motion by Councilmember McKellar; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

- M-4 Request the City Council consider authorizing the City Manager to award RFP Bid No. 20-080 to Evergreen Skateparks, LLC of Portland, Oregon, to furnish all necessary materials, equipment, superintendence, and labor for an amount not to exceed \$350,000.00, for the construction of Faulkner Park Skate Park Phase II.**

Motion by Councilmember Sellers; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

- M-5 Request that the City Council consider ratifying staff action in executing Change Order No. 1 with Reynolds & Kay, Ltd. in an amount not to exceed \$20,814.84 for the Robert E. Lee Drive Drainage Improvements project.**

Motion by Mayor Pro Tem McGee; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

- M-6 Request that the City Council consider authorizing the City Manager to execute a construction contract with Reynolds & Kay, Ltd. for the construction of the Pabst and Bow Storm Sewer Repair project in the amount of \$374,597.50.**

Motion by Councilmember McKellar; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented

- M-7 Request that the City Council consider authorizing the City Manager to execute a construction contract with Reynolds & Kay, Ltd. for the construction of the Flat Rock Drainage Improvement project in the amount of \$551,829.00.**

Motion by Councilmember Sellers; seconded by Councilmember Wynne ; motion carried 7 - 0 & approved as presented

- M-8 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will decrease the contract amount by 21.2 percent (\$215,952.40) and the release of final retainage payment in the amount of \$40,121.98 to Southern Trenchless Solutions, LLC for the DP02 Manhole Rehabilitation - Eastern Seal Package, Bond-CD-001-MH02.**

Motion by Councilmember Curtis; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented

- M-9 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will decrease the contract amount by 1.1 percent (\$10,592.76) and the release of final retainage payment in the amount of \$42,940.96 to Quadex Lining Systems, LLC for the DP01 Manhole Rehabilitation - Western Seal Package, Bond-CD-001-MH01.**

Motion by Mayor Pro Tem McGee; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented

- M-10 Request that the City Council consider approving an estimated \$160,549.29 for preventative and emergency creek crossing repair work related to wastewater line maintenance, to be paid out of existing bond funds.**

Motion by Councilmember Westbrook; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented

- M-11 Request that the City Council consider awarding the Medical and Pharmacy Stop-Loss contract to Berkley for the calendar year starting January 1, 2021.**

**Lance Pendley, McGriff Insurance** – Gave a brief presentation concerning awarding the Medical and Pharmacy Stop Loss contract.

Motion by Councilmember Sellers; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented

- M-12 Request that the City Council ratify the Letter of Agreement (LOA) between the Airport Commercial Airlines and Tyler Pounds Regional Airport that establishes temporary procedures due to the COVID-19 health crisis.**

Motion by Mayor Pro Tem McGee; seconded by Councilmember McKellar; motion carried 7 - 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 adopting a Resolution agreeing to the sale of certain tracts of land located at 3226 Commonwealth within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-96)**
- C-A-2 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2120 North Gaston within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-97)**
- C-A-3 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located a 1306 West 30th Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-98)**
- C-A-4 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located a 1319 Claude within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2020-99)**

- C-A-5** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1803 Emerson within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2020-100)**
- C-A-6** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 216 Nettles within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2020-101)**
- C-A-7** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1806 West Mims within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2020-102)**
- C-A-8** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1005 Trezevant within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2020-103)**
- C-A-9** Request that the City Council consider authorizing the City Manager to purchase City vehicles and equipment from lowest bidders per Bid 20-079.
- C-A-10** Request that the City Council consider authorizing the City Manager to purchase emergency equipment for Police Department vehicles and the installation of this emergency equipment from Dana Safety Supply Inc.
- C-A-11** Request that the City Council consider an expenditure in the amount of \$132,692.90 for the Mandated Annual Water Quality Assessment Fee to the Texas Commission on Environmental Quality.

Motion by Councilmember Westbrook to approve the entire consent items; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented

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

1. The City worked with the Tyler Area Chamber Governmental Affairs Committee to draft the 2021 Legislative Priorities for the State Legislative Session starting in January 2021. The focus of the Chamber's community priorities are in healthcare, education, energy and economic development, general business, environmental quality, and transportation.
2. Amber Varona facilitated a dialogue between County and City leadership regarding the Downtown homeless population. The meeting allowed for both entities to discuss current situations and discussions on planning for the future. Amber Varona and Officer Johnny Green held a follow up meeting with Salvation Army and Gateway to Hope to better familiarize and understand the resources that are available in the area. The meeting allowed for discussions on the action items from all organizations and establishing next steps in forming a collaboration of efforts between all.

3. Next week the Tyler Area Metropolitan Planning Organization will be sharing multiple opportunities for public engagement. On Monday, November 9, a presentation regarding amendments to the short-range plan called the Transportation Improvements Program will be posted on the MPO's website. Later in the week, there will be two virtual open houses conducted to share information and gather input on the bus service in the region. Please see the flyers for meeting information.
4. Visit Tyler is doing a special Christmas ornament to sell this year! It will sell for \$10 and they plan to do an ornament every year now that we have the visitors retail shop.

**EXECUTIVE SESSION** – No 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**

Motion by Mayor Pro Tem Westbrook to adjourn the meeting at 10:47 am; seconded by Councilmember McKellar; motion carried 7 - 0 & meeting adjourned.

  
\_\_\_\_\_  
DONALD P WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

**ATTEST:**

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

