

**MINUTES OF THE
REGULAR CALLED AND TELECONFERENCE MEETING OF THE CITY COUNCIL
OF THE CITY OF TYLER, TEXAS
December 9, 2020**

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

Mayor:	Don Warren
Mayor Pro Tem:	Broderick McGee
Councilmembers:	Linda Sellers James Wynne Shirley McKellar Bob Westbrook Brad Curtis
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Airport Manager:	Davis Dickson
Managing Director of Administrative Services/HR:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Compliance Engineer:	Paul Neuhaus
Community Development Block Grant Manager:	Dustin Wilson
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Director of Solid Waste & Transit Services:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
Planning Director:	Kyle Kingma
City Engineer:	Lisa Crossman
Project Engineer:	Tiffany Currie
City Clerk:	Cassandra Brager

The Invocation was given by Pastor David Dykes, Green Acres Baptist Church

MINUTES

Motion by Councilmember Westbrook to approve the October 14, 2020 minutes; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

AWARDS

- A-1 Request that the City Council consider accepting the Governor's Community Achievement Award and Gold Star Award from Keep Texas Beautiful and Texas Department of Transportation (TxDOT).**

Angela Bennis, Recreation Manager – Gave a brief update about the Governor's Community Achievement Award and Gold Star Award.

- A-2 Request that the City Council consider accepting the "Distinguished Budget Presentation Award" for its Fiscal Year 2019-2020 Budget document from the Government Finance Officers Association of the United States and Canada.**

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, Chief Executive Director and Dr. Paul McGaha, Health Authority-
Gave an update regarding COVID-19.

- P-2 Request that the City Council consider receiving a presentation relating to the historical, present, and planned activities of the Consent Decree response by Tyler Water Utilities.**

Jim Forbes, Pipeline Analysis – Gave a brief update on the status of the wastewater collection system consent decree.

ZONING

- Z-1 Z20-045 RIPPY LEWIS B AND JENNIFER (5105 PALUXY DRIVE AND 1850 TIMBERCREEK DRIVE)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "NR", Neighborhood Residential District. (O-2020-106)**

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

- Z-2 Z20-046 4D7 SERIES LLC – 1120 FRONT A SERIES (1120, 1122 AND 1124 EAST FRONT STREET)
Request that the City Council consider approving a zone change from "R-MF", Multi-Family Residential District to "RPO", Restricted Professional Office District. (O-2020-107)**

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

- Z-3 Z20-047 CERDA GUILLERMO LOZANO (717 EAST OAKWOOD STREET)**

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Request that the City Council consider approving a zone change from “M-1”, Light Industrial District to “R-1B”, Single-Family Residential District. (O-2020-108)

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

**Z-4 PD20-022 Vinkus Properties LLC (6094, 6096, 6104 New Copeland Rd)
Request that the City Council consider approving a zone change from “RPO”, Restricted Professional Office District to “PUR”, Planned Unit Residential District with final site plan. (O-2020-109)**

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

Z-5 Z20-052 CRUTCHFIELD FAMILY LIMITED PARTNERSHIP (502 SAUNDERS AVENUE) Request that the City Council consider approving a zone change from “R-1B”, Single-Family Residential District to “INT”, Institutional District. (O-2020-110)

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

**Z-6 C20-011 CRUTCHFIELD FAMILY LIMITED PARTNERSHIP AND CHRISTUS TRINITY MOTHER FRANCES HOSPITAL AND JGJL PROPERTIES LLC (UNIMPROVED PORTION OF AN ALLEY RIGHT-OF-WAY)
Request that the City Council consider approving the closure of an unimproved alley right-of-way running parallel to Saunders Ave and S. Fleishel Ave. (O-2020-111)**

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

**Z-7 C20-012 CRUTCHFIELD FAMILY LIMITED PARTNERSHIP AND CHRISTUS TRINITY MOTHER FRANCES HOSPITAL (IMPROVED PORTION OF AN ALLEY RIGHT-OF-WAY)
Request that the City Council consider approving the closure of an improved alley right-of-way adjacent to Saunders Ave. (O-2020-112)**

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

**Z-8 F20-143 ROYAL VISTAS ESTATES, FINAL PLAT
Request that the City Council consider an appeal of the Planning and Zoning Commission’s denial of a plat and proposed variances that would provide modifications to subdivision design standards related to a 47 lot subdivision containing approximately 24.54 acres of land located north of the northeast intersection of County Road 178 and Club Drive. The applicant is appealing the decision of the Planning and Zoning Commission to deny the plat and requested modifications.**

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Chris Cooper, 16508 Haley Court- Stated that he wanted to correct the language and make sure everyone was aware that this plat is actually for 74 lots instead of 47 lots.

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

HEARING

H-1 Request that the City Council consider conducting a hearing for citizen participation for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) Consolidated Annual Performance Evaluation Report (CAPER).

**City Council went into a public hearing at 10:32 am
City Council ended the public hearing at 10:33 am with no one coming forward to speak.**

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

Councilmember McKellar asked that a crosswalk for the students be installed north of Martin Luther King to cross over to get to the park.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2020-2021 Budget to provide funding to complete various construction projects, motor vehicle purchases, and other purchases not completed by September 30, 2020, as anticipated. (O-2020-114)

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

City Council convened for a short break at 10:44 am and then reconvened from break at 10:58 am.

MISCELLANEOUS

M-1 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending September 30, 2020.

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

M-2 Request that the City Council consider authorizing the City Manager to sign a Contract and Letter of Engagement for Internal Audit Services with Henry & Peters, P.C. to perform the Fiscal Years 2021-2025 Internal Audits.

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

- M-3 Request that the City Council consider authorizing the City Manager to approve Change Order No. 1 to the construction contract for the 2020 Asphalt Enhancement project in the amount of \$81,761.53.**

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

- M-4 Request that the City Council consider authorizing the City Manager to approve Change Order No. 1 to Reynolds & Kay, Ltd. for the Arbor Oaks Drainage and Street Improvements project in the amount of \$231,111.00.**

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

- M-5 Request that the City Council consider authorizing the City Manager to enter into an agreement with Werner-Taylor Land & Development, L.P. for the partial funding of the extension of Three Lakes Parkway, in an amount not to exceed 29.9 percent of the final project costs. The City's portion is currently estimated at \$960,332, to be reimbursed monthly throughout the length of construction.**

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

- M-6 Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$141,840 with Adams Engineers and Development Consultants for the Consent Decree Force Main and Air Relief Valve Inspection and Design.**

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 an Engineering Services Contract, in an amount not to exceed \$99,680.00 with Adams Engineers and Development Consultants for the Sanitary Sewer Line Relocation Design.**

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

- M-8 Request that the City Council consider authorizing the City Manager to award Bid No. 21-001 to TCMC Commercial, L.P. of Tyler, Texas, to furnish all necessary materials, equipment, superintendence, and labor for the amount not to exceed \$243,164.90, for the construction of Lindsey Park bathroom repurposing and authorize the Sourcewell National Coop vendor CXT Precast Products, of Spokane, Washington, to provide**

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three (3) TAOS prebuilt concrete bathrooms for this project in an amount not to exceed \$403,920.00 for a total of \$647,084.90 for this project.

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

M-9 Request that the City Council consider authorizing the City Manager to award the overall low bid to Paragon Construction & Associates of Tyler, Texas, to furnish all necessary materials, equipment, superintendence, and labor for an amount not to exceed \$92,853.00, for the remodel of the lower bathrooms of Faulkner Park baseball complex.

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making appointments to the Disability Issues Review Board, Keep Tyler Beautiful Board, Neighborhood Revitalization Board and the Half Cent Sales Tax Board.

Motion by Councilmember McKellar to appoint Jamie Mims to the Disability Issues Review Board; seconded by Mayor Pro Tem McGee; motion carried 7-0 & approved as presented.

Motion by Councilmember Westbrook to appoint Van Jeter to the Keep Tyler Beautiful Board; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Sellers to appoint Carl Watson to the Neighborhood Revitalization Board; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Curtis to appoint Martin Heines as Chairman, Tonia Bickham and Eleno Licea to the Half Cent Sales Tax Board; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Curtis to re-appoint John Nix to the Half Cent Sales Tax Board; seconded by Mayor Pro Tem McGee; 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 approving the 2020 Certified Property Tax Roll.

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- C-A-2 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2020.**
- C-A-3 Request that the City Council consider authorizing the City Manager to approve the release of final retainage in the amount of \$21,063.71 to Reynolds & Kay, Ltd. for the Brynmar Addition Drainage Improvements project.**
- C-A-4 Request that the City Council consider approving the requested gate rate increase at Greenwood Landfill by Republic Services from \$32.00 per ton to \$34.00 per ton.**
- C-A-5 Request that the City Council consider awarding Hawley Disposal as the primary vendor for refuse collection assistance as per RFP 20-075.**
- C-A-6 Request that the City Council consider approving payments to Holland & Knight for legal services related to the formation and legal defense of the Rose City Municipal Utility District (MUD).**
- C-A-7 Request that the City Council consider authorizing the City Manager to execute the Final Reconciliation Change Order with SpawGlass Civil Construction, Inc. decreasing the total contract amount by \$75,151.91, for the 2018 Federal Aviation Administration (FAA) Airport Improvement Project (AIP Project No. 3-48-0215040-2018 Taxiway Charlie/Foxtrot Rehabilitation Project at Tyler Pounds Regional Airport.**
- C-A-8 Request that the City Council consider ratifying the submission of the application between the Transportation Security Administration (TSA) and the City of Tyler for the renewal of the CY 2021-2023 Law Enforcement Officer (LEO) Reimbursement Program.**
- C-A-9 Request that the City Council consider authorizing the City Manager to approve the release of final retainage payment in the amount of \$20,958.72 to W.M. Miller Construction for the Hidden Palace Subdivision project.**
- C-A-10 pulled and discussed separately.**
- C-A-11 Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property at Lake Tyler to Thomas Andrew Proctor.**
- C-A-12 Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property at Lake Tyler to the Reserve at Lake Tyler Homeowners' Association.**
- C-A-13 Request that the City Council consider authorizing the City Manager to renew an Interlocal Agreement with Andrews Diversified Industries of Tyler, Texas in an amount not to exceed \$58,940 for the Litter Control program.**
- C-A-14 Request that the City Council consider authorizing the City Manager to approve purchasing goods through Sourcewell National Coop, whereby the City of Tyler can take full advantage of purchasing any and all items available through this cooperative.**

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Also request that the City Council consider authorizing the City Manager to purchase various precast portable bathrooms and parts through the cooperative.

C-A-15 Request that the City Council consider authorizing the City Manager to execute the lease for the new twenty year Fixed Based Operator (FBO) lease for the period of October 1, 2020 to September 30, 2040 between the City of Tyler and JW JetCorp., Ltd dba Jet Center of Tyler at Tyler Pounds Regional Airport.

C-A-16 Request that the City Council consider ratifying the Settlement of the Christine Parker v. City of Tyler and Smith County, Texas, et al. lawsuit.

Motion by Councilmember Westbrook to approve the consent agenda with the exception of C-A-10; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

C-A-10 Request that the City Council consider approving a re-plat of Lots 5-A and 5-B in the Eastside No. 5 subdivision, located on Lake Tyler.

Motion by Councilmember Sellers to approve C-A-10; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. The Tyler Senior Center sponsored a parking lot bingo game on Thursday, November 19, 2020 with about 18 participants.
2. The Glass Recreation Center hosted a 3 on 3 Kings of the court basketball tournament.
3. The Library staff were able to purchase books for children of all ages and pass out about 200 books to students with the goal of foster literacy and a love for reading for pleasure.
4. The Community Resource Officers signed 850 plus Christmas cards for the Seniors.

EXECUTIVE SESSION- City Council convened into executive session at 12:05 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 properties, the public discussion of which would have a detrimental effect on the negotiating position of the City.

City Council reconvened from executive session at 12:17 pm with the following action. Councilmember McKellar made the motion to authorize the City Manager to execute all necessary documents for the acquisition of the property located at 419 Bonner St. Tyler, Texas for the Solid Waste Dept. for the price of 65,000.00; seconded by Councilmember McGee; motion carried 7-0; approved as presented.

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ADJOURNMENT

Motion by Councilmember Sellers to adjourn the meeting at 12:18 pm; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & meeting adjourned.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

