

**MINUTES OF THE TELECONFERENCE AND
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
March 24, 2021**

A teleconference and regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 24, 2021 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
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	April Earley
Airport Director:	Stephen Thompson
Managing Director of Administrative Services:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
Operations Manager of Neighborhood Services:	Prentice Butler
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
Operation & Maintenance:	Tim Moore
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Wynne.

MINUTES

Motion by Councilmember Westbrook to approve the January 13, 2021 minutes; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as presented.

PRESENTATION

P-1 Request that the City Council consider hearing a presentation and approving the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2020 as presented by Prothro, Wilhelmi, & Co.

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

- P-2 Request that the City Council consider receiving a presentation on an opportunity to issue approximately \$28,170,000 in revenue bonds to facilitate regulatory compliance in the sewer system and provide general guidance to staff regarding authorization to proceed with this opportunity to issue revenue bonds.**

Steven Adams, Specialized Public Finance, Inc. – Gave a brief presentation on an opportunity to issue revenue bonds.

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

ZONING

- Z-1 Z21-004 RENTERIA RANFERI AND MARTHA ARELLANO (325 HERNDON AVENUE AND 1100, 1102 PARK STREET)
Request that the City Council consider approving a zone change from “R-MF”, Multi-Family Residential District to “R-1D”, Single-Family Detached and Attached District. (O-2021-19)**

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

- Z-2 Z21-001 DEIBEL COMPANIES INC (5661 CHANDLER HIGHWAY)
Request that City Council consider approving a zone change from “C-2”, General Commercial District to “R-1A”, Single-Family Residential District. (O-2021-20)**

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

- Z-3 Z21-003 INDEPENDENCE PARK LLC (A 10.3 ACRE TRACT OF LAND)
Request that the City Council consider approving a zone change for a tract of land located east of the northeast intersection of U.S. Highway 69 North and James Fair Parkway from “C-2”, General Commercial District to “R-MF”, Multi-Family Residential District. (O-2021-21)**

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

- Z-4 PD21-002 WEST OAK TOWNHOMES LLC (700 WEST ERWIN STREET)
Request that the City Council consider approving a zone change from "DBAC", Downtown Business, Arts and Culture District to "PMXD-2", Planned Mixed Use District-2 with a final site narrative. (O-2021-22)**

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

Z-5 ZA21-001 UNIFIED DEVELOPMENT CODE (BIANNUAL REVIEW)

Request that the City Council consider adoption of an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations related to signage, adding provisions related to projected image signs, distinguishing between the definitions of billboards and projected image signs, fencing and retaining walls, driveways near railroad quiet zones, buffer yards, amending the definition of vehicle and other minor clarifications. (O-2021-23)

Motion by Councilmember Westbrook to approve adoption of the ordinance with the exception of all amendments that relate to solar panels; seconded by Mayor Pro Tem McGee; motion carried 7 - 0 & approved as modified.

HEARING

H-1 Request that the City Council consider holding a public hearing to obtain citizen comments on the proposed substantial amendment to the Program Year 2020-2024 Consolidated Plan, Program Year 2020 Annual Action Plan, and Program Year 2019 Annual Action Plan, and, after the hearing, consider approving the substantial amendment.

City Council opened up the public hearing at 9:57 a.m.; No one came forward to speak on the item so City Council closed the public hearing at 9:57 a.m.

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

RESOLUTION

R-1 Request that the City Council consider adoption of a Resolution ratifying submission of an application and authorizing to accept the grant upon receipt for the Federal Aviation Administration CRSSA Act Grant (3-48-0215-46-2021) Funds totaling \$1,020,318.00 to fund the Tyler Pounds Regional Airport's costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the Airport, and debt payment. This Resolution authorizes the City Manager to execute the grant upon receipt. (R-2021-14)

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

R-2 Request that the City Council consider adoption of a Resolution ratifying submission of an application and consent to accept the grant upon receipt for the Federal Aviation Administration Concession CRSSA Act Grant Funds totaling \$12,809.00. to assist the Tyler Pounds Regional Airport in providing relief to Airport concessionaires. (R-2021-15)

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

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 6 regarding the requirements for the design and construction of retaining walls. (O-2021-24)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a contract with Aqueous Engineering for the Holly Park Drainage Improvements project in the amount of \$26,950.**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a contract with Adams Engineering for the design, construction management, and construction inspection of the repair of four separate drainage structures located throughout the City in the amount of \$214,010.**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute a contract with Adams Engineering for the Stagecoach Drainage Improvements project in the amount of \$313,300.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute a contract with Reynolds and Kay Ltd. for the 2021 Seal Coat Program in the amount of \$845,558.56.**

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

- M-5 Request that the City Council consider authorizing the City Manager to award Bid No. 21-006 for Hidden Palace Subdivision Development to McAlpine Homes to build eleven homes and furnish all necessary materials, equipment, superintendence, and labor for a**

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total not to exceed \$ 1,114,951.75 from the Community Development Block Grant - HOME Funds.

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 Highway 19 Construction, LLC for the construction of the Shiloh Road Channel Reconstruction project in the amount of \$286,600.00.**

Motion by Councilmember Curtis; 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 contract with Lopez Construction in the amount of \$1,924,270.00 for the Consent Decree Group 3 - Manhole Rehabilitation Package Standard Bid, 21-011.**

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

- M-8 Request that the City Council consider ratifying expenditures in the amount of \$98,905.06 for work performed on the emergency water main repairs by AE Shull and Company.**

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

- M-9 Request that the City Council consider a revised Resolution supporting the Transportation Alternative and Safe Routes to School (TA/SRTS) grant application for the City of Tyler Legacy Trail Phase II project and committing the local matching funds. (R-2021-16)**

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

City Council recessed the meeting for a break at 11:00 a.m.

City Council reconvened the meeting at 11:08 a.m.

- M-10 Request that the City Council consider amending Resolution number R-2021-10 approved on February 10, 2021 calling an election for May 1, 2021 to fill the offices of the Tyler City Council Members for Single Member District Numbers 1, 3, and 5 on the Tyler City Council and calling for a joint election with Smith County and Tyler Independent School District. (R-2021-17)**

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

- M-11 Request that the City Council consider adopting a Resolution suspending the effective date of the CenterPoint Gas Beaumont/East Texas Division Interim Gas Reliability Infrastructure Program (GRIP) rate adjustments. (R-2021-18)**

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

BOARD APPOINTMENTS

- B-1 Request that the City Council consider making appointments to fill vacancies on the Historical Preservation Board.**

Motion by Councilmember McKellar to appoint Claudia Carroll and Paige Engel; seconded by Councilmember Wynne; 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 authorizing the City Manager to purchase two Chevrolet Traverse SUV's to be used for Transit support vehicles from Gunn Chevrolet of Selma, Texas.**
- C-A-2 Request that the City Council consider approving the qualified bid for Request for Proposal (RFP 21-008) for Transportation Scheduling Software to Via Mobility, LLC. for an initial five-year period with one additional one-year renewal option.**
- C-A-3 Request that the City Council consider approving the qualified bid under Request for Proposal (RFP 21-009) for Paratransit Overflow Services to NDMJ, LLC. for an initial one-year period with four additional one-year renewal options.**
- C-A-4 Request that the City Council consider ratifying staff action for the emergency replacement of the air conditioning chiller located at the City of Tyler Municipal Rose Garden.**
- C-A-5 Request that the City Council consider adopting a Resolution to authorize continued participation by the City of Tyler with the Steering Committee of Cities Served by Oncor, and authorize the annual assessment payment of \$0.06 cents per capita to the Steering Committee. (R-2021-19)**
- C-A-6 Request that the City Council consider authorizing the City Manager to approve a Reconciliation Change Order in the amount of \$17,365.04 and approving the release of final retainage to W. M. Miller Construction Company, Inc. for the 2019 Waterline Replacement Project.**

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- C-A-7 Request that the City Council consider authorizing the City Manager to ratify expenditures in the amount of \$339,676.00 for all work performed on the emergency isolation of the 24-inch altitude valve at the Downtown Elevated Storage Tank.**
- C-A-8 Request that the City Council consider authorizing the City Manager to award Tyler Bid 21-020 for Grounds Maintenance Agreement to Cutting Edge Irrigation & Lawn, LLC and consider authorizing the City Manager to execute the contract for Grounds Maintenance Services for the terminal site at Tyler Pounds Regional Airport totaling \$36,694.00 annually, for a term of two (2) years.**
- C-A-9 Request that the City Council consider authorizing the City Manager to execute the Air Monitoring Site Agreement 582-21-22200 with the Texas Commission on Environmental Quality (TCEQ).**
- C-A-10 Request that the City Council consider adoption of a Resolution to authorize continued participation by the City of Tyler with the Steering Committee of Cities served by Atmos, and authorize the annual assessment payment of \$0.05 cents per capita to the Steering Committee. (R-2021-20)**

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

CITY MANAGER'S REPORT

1. We have had due to Covid 19 a number of different as far as special events and celebrations of our Parks and Recreation programs that we put on hold. But you as the Council have invested in both as far as money and time and improving your parks throughout the city and so during the next few months we will actually be taking part in doing different ribbon cuttings for numerous events for our parks throughout the city.
2. Liberty Hall is also beginning as far as kind of the restarting stages beginning in April allow both public and private rental events.
3. Coming up on April 10th that Saturday we will be celebrating the annual Great Tyler Cleanup. So if you have teams or groups that you want to get together, even just your families feel free to go ahead and register
4. Solid Waste was awarded the Patriot Award for 2020 from the Tyler Rose City, Kiwanis Club. This was presented because of their work for leadership and community service and working tirelessly during these unsettled times throughout our community.
5. Finally, the Mayor has been out for the past few days going to visit numerous of our different partners in their celebration of what they contributed to our community during winter storm Yuri and just their dedication and perseverance as the recognition of Service Excellence Award or the Rose award.

ADJOURNMENT

Motion by Councilmember Curtis to adjourn the meeting at 11:17 am; seconded by Councilmember McKellar; motion carried 7 - 0 & meeting adjourned.

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

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

