

**MINUTES OF THE TELECONFERENCE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
April 28, 2021**

A regular called teleconference meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 28, 2021 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:	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:	Alesha Buckner
Organizational Development:	Regina Y. Moss
Airport Director:	Stephen Thompson
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Compliance Engineer:	Paul Neuhaus
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Franklin
Managing Director of Planning & Economic Development:	Heather Nick
Water Business Office Manager:	Jim Yanker
City Engineer:	Lisa Crossman
City Clerk:	Cassandra Brager

## **INVOCATION**

The Invocation was given by Councilmember Sellers.

## **MINUTES**

Motion by Councilmember Westbrook to approve the minutes of the February 10, 2021 meeting; seconded by Councilmember Curtis; motion carried 7 - 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 90 years of service with the City of Tyler.**

**Jamey Watson, Fire Senior Captain I, 20 years of service**  
**Brett Hilsabeck, Firefighter X 20 years of service**  
**Samantha Martinez, Activities Specialist, 20 years of service**  
**Jeffery Rackliff, Police Sergeant IV, 30 years of service**

## **ZONING**

- Z-1      A21-001 NATIONAL RETAIL PROPERTIES LP AND FIKES WHOLESALE INC (8604 HIGHWAY 64 EAST AND 5.03 ACRES OF LAND)**  
Request that the City Council consider approving the adoption of an ordinance providing for the voluntary annexation of approximately 5.38 acres of land and adjacent right-of-way lying adjacent to the present boundary limits of the City of Tyler located at the southeast intersection of Highway 64 East and County Road 219. Also consider:
- A. The new boundary of the City Limits.**
  - B. The new boundary of the City Council District #4.**
  - C. The new boundary of the Tyler Extraterritorial Jurisdiction (ETJ).**
  - D. That the City Manager be authorized to sign a written agreement for provision of City services per Texas Local Government Code Section 43.0672.**
  - E. Amendment of the Future Land Use Guide to reflect General Commercial.**
  - F. Establishment of original zoning of 5.38 acres of “C-2”, General Commercial District.**

Motion by Councilmember Wynne to table the item for 30 days; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved to table.

- Z-2      Z21-005 FLORES DESIGN AND DEVELOPMENT LLC (201 NORTH PARKDALE DRIVE)**  
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1D”, Single-Family-Detached and Attached Residential District. **(O-2021-26)**

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

- Z-3      C21-003 DENNIS WALKER (UNIMPROVED PORTION OF NORTH PALACE AVENUE)** Request that the City Council consider approving the closure of an unimproved portion of North Palace Avenue. **(O-2021-27)**

Motion by Councilmember McKellar to approve, subject to property being replatted in 6 months; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

- Z-4      Z21-008 CENTER CITY INVESTMENTS (405 AND 411 EAST LOCUST STREET AND 213 NORTH CENTER AVENUE)**  
Request that the City Council consider approving a zone change for three lots containing approximately 0.70 acres of land located at the southeast intersection of East

**Locust Street and North Center Avenue from “M-1”, Light Industrial District to “DBAC”, Downtown, Business, Arts and Culture District. (O-2021-28)**

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

- Z-5 N21-001 CITY OF TYLER (PORTION OF EASTSIDE ROAD TO YACHT CLUB WAY)**  
**Request that the City Council consider approving a thoroughfare name change of approximately 1,215 feet of Eastside Road located in Zone 4 of the Tyler ETJ near Lake Tyler to Yacht Club Way. (O-2021-29)**

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

- Z-6 C21-002 HILAND DAIRY FOODS COMPANY LLC (UNIMPROVED ALLEY RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved alley right-of-way. (O-2021-30)**

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

- Z-7 Z21-006 HILAND DAIRY FOODS COMPANY LLC (1403, 1411, & 1415 E LINE & 305 N CLAYTON) Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District to “C-2”, General Commercial District. (O-2021-31)**

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

- Z-8 PD21-003 GENECOV WEST MUD CREEK LLC (8061 HOLLYTREE DRIVE) Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “PUR”, Planned Unit Residential District with final site plan. (O-2021-32)**

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

## **RESOLUTION**

- R-1 Request that the City Council consider adopting a Resolution authorizing the City Manager, as the designated representative of the City of Tyler, to execute an agreement with the Texas Water Development Board (TWDB) for funding in the amount of \$28,000 for the Drainage Study of Black Fork Creek at Gentry Parkway. (R-2021-23)**

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

- R-2 Request that the City Council consider adopting a Resolution authorizing the City Manager, as the designated representative of the City of Tyler, to execute an agreement**

with the Texas Water Development Board (TWDB) for funding in the amount of \$56,000 for the Drainage Study of the Headwaters of Willow Creek. (R-2021-24)

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

## ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance approving a revised interlocal agreement between the City of Tyler and Smith County relating to plat and subdivision regulation in the City of Tyler extraterritorial jurisdiction. (O-2021-33)**

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

- O-2 Request that the City Council consider approving an amendment updating City Code Chapter 12 for adjustments to land rental rates at Tyler Pounds Regional Airport. (O-2021-34)**

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

- O-3 Request that the City Council consider approving the Tyler Hotel Occupancy Tax (HOT) Series 2021 Revenue Bonds. (O-2021-35)**

**Steven Adams, Specialized Public Finance, Inc** – Gave a brief presentation on the Tyler Occupancy Tax (HOT) Series 2021 Revenue Bonds.

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

- O-4 Request that the City Council consider approving the sale of Tyler Water and Sewer System Revenue Bonds, New Series 2021. (O-2021-36)**

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

- O-5 Request that the City Council consider adoption of an ordinance amending Chapter 19 "Utilities," by repealing a rate structure change from declining to inclining rate schedule. (O-2021-37)**

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

## MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to renew Work Order No. 1 with Pipeline Analysis LLC., with a projected cost of \$1,250,000 per year,**

**for support of Consent Decree requirements and the Wastewater Collection System's Capacity, Management, Operations, and Maintenance Program (CMOM).**

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

- M-2 Request that the City Council consider renewing a three-year license agreement with Environmental Systems Research Institute (ESRI) for the maintenance, support and licensing of the City's Enterprise-GIS software in the amount of \$247,500.00 to be paid in three yearly installments of \$82,500.**

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

- M-3 Request that the City Council consider authorizing the City Manager to award Bid No. 21-040 for the Rose Complex to WRL, of Flint, Texas, to furnish all necessary materials, equipment, superintendence, and labor in an amount not to exceed \$27,985,898.60.**

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 the City Council consider approving by consent the use of funds appropriated by the City's First Responder account for the purchase of a records management software system in the amount of \$52,381 for software and \$10,450 for interface to the City's current enterprise resource software for a first-year total of \$62,831.**
- C-A-2 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1403 North Whitten within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2021-25)**
- C-A-3 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 223 Mike Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2021-26)**
- C-A-4 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 225 Mike Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2021-27)**
- C-A-5 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 233 Mike Avenue within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2021-28)**

- C-A-6 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1712 West Jackson within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2021-29)
- C-A-7 Request that the City Council consider ratifying expenditures in the amount of \$173,194.89 for work performed by Reynolds and Kay, LTD. on emergency water main repairs caused by the 2021 Winter Storm.
- C-A-8 Request that the City Council consider ratifying staff action for the emergency replacement of the VAV heating and cooling system located at Tyler Pounds Regional Airport.
- C-A-9 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will decrease the contract amount by 1.5 percent (\$15,400.85) for the Cleaning and Closed Circuit Television (CCTV) Recording of Wastewater (Sanitary Sewer) Lines, Phase 4 Project, Bid No. 19-011.
- C-A-10 Request that the City Council consider ratifying the Settlement of the Angela Duncan v. City of Tyler, Texas, et al. lawsuit.

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

#### CITY MANAGER'S REPORT

Councilmembers and staff gave farewell messages to Councilmember Sellers.

#### ADJOURNMENT

Motion by Councilmember Sellers to adjourn the meeting at 10:39 am; seconded by Councilmember McKellar; motion carried 7 – 0 and meeting adjourned.



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

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

