

**MINUTES OF THE TELECONFERENCE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 26, 2021**

A regular called teleconference meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 26, 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:	Shirley McKellar
Councilmembers:	Stuart Hene Broderick McGee (absent) James Wynne Bob Westbrook Brad Curtis
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	April Earley
Senior Asst. City Attorney:	Alesha Buckner
Airport Director:	Stephen Thompson
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Planning Director:	Kyle Kingma
Police Chief:	Jimmy Toler
Managing Director of Planning & Economic Development:	Heather Nick
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Warren.

MINUTES

Motion by Councilmember Westbrook to approve the March 24, 2021 and April 14, 2021 minutes; seconded by Councilmember Curtis; motion carried 6 - 0 & approved as presented.

AWARDS

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 50 years of service with the City of Tyler.

Jon Pitts, Police Officer XIII, 25 years of service
Jonathan Thornhill, Police Lieutenant II, 25 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 adoption of an Ordinance providing for the voluntary annexation of approximately 5.16 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 5.16 acres of “C-2”, General Commercial District.**

Motion by Councilmember Wynne to table this item until the June 9, 2021 meeting; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved to table.

- Z-2 PD21-007 WERNER-TAYLOR LAND AND DEVELOPMENT, LP (2498 THREE LAKES PARKWAY)**
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-2021-42)**

Motion by Mayor Pro Tem McKellar; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented.

- Z-3 PD21-005 MOSES LEANDRO (3006 OLD NOONDAY ROAD)**
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-2021-43)**

Motion by Councilmember Wynne; seconded by Councilmember Curtis; motion carried 6 - 0 & approved as presented.

- Z-4 Z21-007 BRIAN AND PAMELA CHILDRES (1004 SOUTH PORTER AVENUE)**
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-2021-44)**

Motion by Councilmember Curtis; seconded by Councilmember Wynne; motion carried 6 - 0 & approved as presented.

- Z-5 Z21-010 MARK WILSON (1513 WEST QUEEN STREET)**
Request that the City Council consider approving a zone change from “C-2”, General Commercial District to “R-1B”, Single-Family Residential District. **(O-2021-45)**

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Motion by Mayor Pro Tem McKellar; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented.

- Z-6 Z21-013 DAVID W. MCGRAW & DEBRA L. NEELY (1418 EAST SOUTHEAST LOOP 323) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "AR", Adaptive Reuse District. (O-2021-46)**

Motion by Councilmember Curtis; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented.

- Z-7 Z21-018 LUIS LEANDRO (1603, 1605 AND 1607 NORTH ROSS AVENUE) Request that the City Council consider approving a zone change from "R-2", Two-Family Residential District to "R-1D", Single-Family Attached and Detached District. (O-2021-47)**

Motion by Mayor Pro Tem McKellar; seconded by Councilmember Curtis; motion carried 6 - 0 & approved as presented.

- Z-8 Z21-011 DALE CHAPEL BAPTIST CHURCH (620 WEST GLENWOOD BOULEVARD) Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District and "R-2", Two-Family Residential District to "PMF", Planned Multi-Family District with a final site narrative. (O-2021-48)**

Motion by Councilmember Wynne; seconded by Councilmember Curtis; motion carried 6 - 0 & approved as presented.

- Z-9 C21-004 MEADOW PLAZA LLC (UNIMPROVED ALLEY RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved alley right-of-way between Claude Street and Gray Street subject to it being re-platted within six months. (O-2021-49)**

Motion by Councilmember Curtis; seconded by Councilmember Westbrook; motion carried 6 - 0 & approved as presented.

- Z-10 Z21-015 MEADOW PLAZA LLC (217, 221 NORTH GLENWOOD BOULEVARD AND 212, 221 NORTH HILL AVENUE) Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "PMXD-1", Planned Mixed Use District with final site plan. (O-2021-50)**

Motion by Councilmember Curtis; seconded by Councilmember Wynne; motion carried 6 - 0 & approved as presented.

PRESENTATION

- P-1 Request that the City Council consider receiving a presentation from KSA Engineering to provide an update on the Airport Master Plan.**

Michael Mallonee, KSA- Gave an update on the Airport Master Plan.

MISCELLANEOUS

- M-1** Request that the City Council consider authorizing the City Manager to execute a contract with A&B Construction, LLC in the amount of \$348,218.00 for the Sanitary Sewer Rehabilitation Package Standard Bid, 21-039.

Motion by Councilmember Curtis; seconded by Mayor Pro Tem McKellar; motion carried 6 - 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 finding that ONCOR Electric Company's requested increase to its distribution cost recovery factor and its distribution rates and charges within the City should be denied and finding that the City's reasonable rate case expenses shall be reimbursed by the Company. **(R-2021-31)**
- C-A-2** Request that the City Council consider adopting a Resolution to authorize the application for and acceptance of Federal Transit Administration 5307 Grant Funds in the amount of \$1,846,444 to assist with the Transit Department's operating costs and \$223,000 in Transportation Development Credits. This Resolution also accepts any grant amendments and additional TDC funds to increase the grant funding levels and reduce the local match requirements. **(R-2021-32)**
- C-A-3** Request that the City Council consider authorizing the City Manager to renew wrecker contracts with local tow truck companies with no rate increases.
- C-A-4** Request that the City Council consider authorizing the City Manager to execute the final lease renewal option for a three-year period from June 1, 2021 through May 31, 2024 for Agricultural Lease with Johnny Oden at Tyler Pounds Regional Airport.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute the final lease renewal option for a five-year period from June 1, 2021 through May 31, 2026 for Non-Profit Lease with Civil Air Patrol at Tyler Pounds Regional Airport.
- C-A-6** Request that the City Council consider authorizing the City Manager to execute the lease amendment for Dixie Volunteer Fire Department assigning the lease at Tyler Pounds Regional Airport to Smith County Emergency Services District ESD #2 and adding two additional 5-year renewal options.
- C-A-7** Request that the City Council consider authorizing the City Manager to execute an Agreement for Professional Engineering Services with Half Associates, Inc., with a not-to-exceed fee of \$75,000, for development plan review services.

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- C-A-8 Request that the City Council consider ratifying staff action for the emergency replacement and reprogramming of heating, ventilation and air conditioning HVAC controller software for City Facilities.**
- C-A-9 Request that the City Council consider authorizing the City Manager to execute an Easement and Right-of-Way agreement with Oncor to install electrical lines on City-owned property at Lake Tyler.**
- C-A-10 Request that the City Council consider reviewing and accepting the City of Tyler's workers' compensation, property and casualty claim and lawsuit report for 2018-2019, 2019-2020 and 2020-2021 through March 31, 2021 and ratify all claim payments and settlements within the City's retention during that time frame in the amount of \$1,439,312. This includes 11 claim payments of \$25,000 or more and 4 litigated claims.**

Motion by Mayor Pro Tem McKellar to approve the consent items but pull C-A-7 for separate consideration; seconded by Councilmember Curtis; motion carried 6 - 0 & approved as presented without C-A-7.

Motion by Councilmember Westbrook to approve C-A-7; seconded by Councilmember Curtis; motion carried 6 - 0 & and C-A- 7 was approved as presented.

CITY MANAGER'S REPORT

1. Tyler Public Library - The team at Tyler Public Library is working towards their goal of obtaining and implementing a new Bookmobile to better serve the Tyler community. The Library staff plan to utilize the bookmobile as a roaming hotspot to communities who may lack this necessary information resource. According to census data, approximately 19% of Smith County residents do not have access to high speed internet within their homes.
2. Tyler Pounds Regional Airport - Our team at the Tyler Pounds Regional Airport passed the annual FAA Certification Inspection last week with flying colors! The Inspector spent three days evaluating our ability to provide a safe, secure, and efficient facility for Air Carrier operations. Inspection items included operational procedures, airfield lighting, signs, and markings, and record keeping for personnel training and airport inspections. The report will show zero discrepancies, an outstanding achievement given the challenges of the past year!

EXECUTIVE SESSION – City Council convened into executive session at 9:58 am

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

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Under Tex. Gov't Code section 551.074 "Personnel Matters" deliberation regarding the following: The employment, duties and evaluation of the City Manager.

Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 11:02 am

Motion by Councilmember Westbrook to amend the City Manager's employment contract with the annual salary in the amount of \$239,700 to be effective as of March 1, 2021 and the Deferred Compensation, make a one- time contribution of \$19,500 plus any taxes that are accrued on said payment to the Manager's Deferred Compensation plan to be made on or about June 4, 2021 and all other contract provisions remain the same; seconded by Mayor Pro Tem McKellar; motion carried 6 - 0 & approved as presented.

ADJOURNMENT

Motion by Councilmember Wynne to adjourn the meeting at 11:03 am; seconded by Councilmember Curtis; motion carried 6 - 0 & meeting adjourned.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

