

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 22, 2021**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 22, 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
	James Wynne
	Broderick McGee
	Bob Westbrook
	Brad Curtis
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	April Earley
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Airport Director:	Stephen Thompson
Managing Director:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
City Librarian:	Ashley Taylor
Code Enforcement Manager:	Chris Lennon
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Planning Director:	Kyle Kingma
Director of Solid Waste, Transit:	Leroy Sparrow
Risk Manager:	Sara McCracken
Deputy City Clerk:	Patricia Beas

INVOCATION

The Invocation was given by Councilmember Wynne.

MINUTES

Motion by Councilmember Westbrook to approve the August 11, 2021 minutes; seconded Mayor Pro Tem McKellar; 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, CEO of the NETHealth District and Health Authority Dr. Paul Magaha provided an update on the COVID-19.

Bob Brewer, 1800 DeCharles,- Expressed concern about restrictions related to COVID.

ZONING

- Z-1 PREVIOUSLY TABLED ITEM**

Z20-049 JOSE CASTELLANOS (2704 AND 2706 CALLOWAY ROAD)

Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1B”, Single-Family Residential District. This request was previously tabled by City Council on January 13, 2021 and February 10, 2021. (O-2021-82)

Motion by Councilmember Westbrook to un-table this item from the February 10, 2021 meeting; seconded by Mayor Pro Tem McKellar; motion carried 7 - 0 & item was un-tabled.

Ronald Stutes, 909 ESE Loop 323, Suite 400— represents the applicant and told Council they have been unable to contact the protesting party. Asked Planning to bring the item back to Council after they have attempted to contact and resolve the boundary issue and the protesting party has not provided a new survey.

Shirley Logan, 2321 North Lake Trl., Denton, TX—explained that the land being discussed belongs to her. She does not agree with the zone change request because the applicant cannot request a change to her property.

Mayor Warren—explained that the issue is civil and recommended discussing that with the applicant. Told Ms. Logan that the zoning is for the property not changing owners.

Wesley Turley, 2624 Kensington Dr.—the property in question was purchased in a foreclosure Sheriff’s sale two sales prior to the current owner. The land was nine acres at one point then split at one point and previous records identified lots by tax lot numbers.

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

- Z-2 Z21-035 CUSTOM BLACK STALLION HOMES LLC (700, 704, AND 708 BRITTON AVENUE)**

Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District to “R-1B”, Single-Family Residential District. (O-2021-83)

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

Z-3 Z21-037 AKINS WILLIAM MADISON & JUANITE HARDAWAY AND GERMANY WANDA GAYLE (2832 ROY ROAD AND 6505 RHONES QUARTER ROAD)

Request that the City Council consider approving a zone change from "AG", Agricultural District to "R-1D", Single-Family Detached and Attached Residential District. (O-2021-84)

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

Z-4 Z21-031 TYLER JUNIOR COLLEGE (1025 BAXTER AVENUE)

Request that the City Council consider approving the zone change from "R-1B", Single-Family Residential District to "INT", Institutional District. (O-2021-85)

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

Z-5 S21-001 BRIARWOOD GROUP LTD (301 SOUTH BROADWAY AVENUE)

Request that the City Council consider approving a Special Use Permit to allow for Projected Image Signs. (O-2021-86)

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

Z-6 Z21-030 JENNINGS WILLIAM JR ESTATE ETAL (511 AND 515 LIBERTY AVENUE)

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 Residential District. (O-2021-87)

Motion by Councilmember McGee; seconded by Councilmember Wynn; motion carried 7 - 0 & approved as presented.

Z-7 Z21-034 TYLER ER REALTY LLC (3943 AND 3921 OLD JACKSONVILLE HIGHWAY)

Request that the City Council consider approving a zone change from "C-2", General Commercial District and "M-1", Light Industrial District to "INT", Institutional District. (O-2021-88)

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

Z-8 PD21-013 GAIL NOBLES AND SUSAN STANDEFER AND JILL SHELTON (1201, 1210 AND 1211 FISHER DRIVE) Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "PUR",

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Planned Unit Residential District with final site plan. This request was previously tabled by the City Council on August 25, 2021. ITEM TABLED

Motion by Councilmember Westbrook to un-table this item; seconded by Mayor Pro Tem McKellar; motion carried 7 - 0 & item tabled.

Motion by Councilmember Hene to table this item until October 27, 2021 meeting; seconded by Councilmember McGee; motion carried 7-0 & item tabled.

Z-9 C21-010 GAIL NOBLES AND SUSAN STANDEFER AND JILL SHELTON (A PORTION OF FISHER DRIVE) Request that the City Council consider approving the closure of a portion of Fisher Drive. This item was previously tabled by the City Council on August 25, 2021. ITEM TABLED

Motion by Councilmember Westbrook to un-table this item; seconded by Mayor Pro Tem McKellar; motion carried 7 - 0 & approved.

Motion by Councilmember Hene to table this item until October 27, 2021 City Council meeting; seconded by Councilmember McGee; motion carried 7-0 & item tabled.

ORDINANCE

O-1 Request that the City Council consider conducting a public hearing, adopting the Fiscal Year 2021-2022 proposed budget ordinance and consider amending the Fiscal Year 2020-2021 budget by roll-call vote, and consider authorizing the City Manager to execute the outside agency contracts for Fiscal Year 2021-2022. (O-2021-89)

Recessed for a break at 10:14 am

Reconvened back from break at 10:27 am

City Council open up for public hearing at 10:27:28 am

Closed the public hearing at 10:27:53 am with no one coming forward to speak

Motion by Councilmember Wynn to adopt the proposed fiscal year 2021-2022 annual budget, adopt the fiscal year 2020-2021 budget amendments and to authorize the City Manager to execute particular outside agency contracts budgeted for fiscal year 2021-2022; motion seconded by Mayor Pro Tem McKellar; motion carried 7-0 & approved as presented. .

Mayor at Large—Don Warren – Aye

District 1—Councilmember Stuart Hene – Aye

District 2—Councilmember Broderick McGee – Aye

District 3—Mayor Pro Tem McKellar – Aye

District 4—Councilmember James Wynn – Aye

District 5—Councilmember Bob Westbrook – Aye

District 6—Councilmember Brad Curtis – Aye

O-2 Request that the City Council consider adopting an ordinance setting the property tax rate for Fiscal Year 2021-2022 at \$.269900 per \$100 valuation. (O-2021-90)

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Motion by Councilmember Hene to ratify the property tax increase reflected in the Fiscal Year 2021-2022 budget; seconded by Councilmember Curtis; motion carried 7-0 & approved as presented.

Mayor at Large—Don Warren – Aye
District 1—Councilmember Stuart Hene – Aye
District 2—Councilmember Broderick McGee – Aye
District 3—Mayor Pro Tem McKellar – Aye
District 4—Councilmember James Wynn – Aye
District 5—Councilmember Bob Westbrook – Aye
District 6—Councilmember Brad Curtis – Aye

Motion by Mayor Pro Tem McKellar to adopt a tax rate of \$0.2699, which is effectively a 5.53 percent increase in the tax rate; seconded by Councilmember McGee; motion carried 7-0 & approved as presented.

Mayor at Large—Don Warren – Aye
District 1—Councilmember Stuart Hene – Aye
District 2—Councilmember Broderick McGee – Aye
District 3—Mayor Pro Tem McKellar – Aye
District 4—Councilmember James Wynn – Aye
District 5—Councilmember Bob Westbrook – Aye
District 6—Councilmember Brad Curtis – Aye

- O-3 Request that the City Council consider adopting an Ordinance amending and updating fees and other applicable adjustments to Tyler City Code Chapter 6 relating to Buildings and Structures, Chapter 8 relating to Parks, Chapter 16 relating to Solid Waste Disposal Regulations, and Chapter 19 relating to Water and Sewer. (O-2021-91)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute an engineering contract with Kimley-Horn & Associates, Inc. for the 2020 Highway Safety Improvement Program Projects in the amount of \$341,800.**

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

- M-2 Request that the City Council consider authorizing the City Manager to enter into a contract with McGriff, Seibels & Williams in the amount of \$941,549 for Property & Liability Insurance, Hibbs Hallmark & Company in the amount of \$24,312 for Cyber Insurance, Bosworth and Associates for a deposit premium of \$2,000 for Special Event Liability Insurance and Innovative Risk Management in the amount of \$34,819**

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for Third Party Claim Administration for fiscal year 2021-2022 as the second of two (2) one year renewal options authorized September 11, 2019.

Motion by Councilmember McGee to approve M-2 excluding the Hibbs Hallmark & Company Cyber Insurance in the amount of \$24,312; seconded by Councilmember Hene; motion carried 7 - 0 & approved as moved.

M-3 Request the City Council consider authorizing the City Manager to enter into a contract with Hibbs Hallmark & Company for Excess Workers Compensation Insurance in the amount of \$119,532 and Claims Administrative Services for Workers Compensation Third Party Claim Administration in the amount of \$32,088 for Fiscal Year 2021-2022 as the second of two (2) one year renewal options authorized on September 11, 2019.

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

M-4 Request that the City Council consider awarding Work Order No. 7 to KSA Engineers, Inc. to provide engineering services for the Taxiway Alpha Rehabilitation for a total cost of \$205,682.00 and total completion time of 18 weeks.

Motion by Councilmember McGee; seconded by Councilmember Wynn; motion carried 7 - 0 & approved as presented.

M-5 Request that the City Council consider authorizing and approving a COVID-19 Vaccination: Medical Insurance Premium Rebate Program for eligible employees. Councilmember Hene and Curtis opposed.

Motion by Councilmember McGee; seconded by Councilmember Westbrook; motion carried 5 - 2 & 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 enter into a contract with Cleanmaster Janitorial Services, Inc. for the provision of janitorial services in the Police Department at annual cost of \$78,600.00. This contract is a three year contract with an optional two-year renewal covering Fiscal Years 2021-2026.

C-A-2 Request that the City Council consider authorizing the City Manager to approve the agreements with various cooperative groups, whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives for fiscal year, October 1, 2021, thru September 30, 2022.

C-A-3 Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the vendors listed for DI Fittings, DI Pipe, Water

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Meter Boxes / Lids, Water and Sewer New Install and Repair Products and Copy Paper for the fiscal year beginning October 1, 2021.

- C-A-4 Request that the City Council consider authorizing the City Manager to extend the annual price agreements to the vendors listed for office furniture & equipment, sale of scrap surplus metals and office supplies for one year beginning October 1, 2021.**
- C-A-5 Request that the City Council consider authorizing the City Manager to declare certain City of Tyler vehicles as surplus and ready to be auctioned.**
- C-A-6 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Asphalt /Street Materials, Ready Mix Concrete, Utility Cut Base Repair Material, and Herbicide Treatment for Drainage and Roadsides for one year beginning October 1, 2021.**
- C-A-7 Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of water meters, transceiver units, and register units during Fiscal Year 2021-2022.**
- C-A-8 Request that the City Council consider authorizing the City Manager to award the purchase of Conbraco/Apollo Double Check Detector Assemblies to MacArthur Gauge, Incorporated during the Fiscal Year 2021-2022.**
- C-A-9 Request that the City Council consider authorizing the City Manager to apply for and accept fifteenth year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation.**
- C-A-10 Request that the City Council consider authorizing the City Manager to approve the use of Analytical Environmental Lab, of Tyler, Texas and Ana-lab of Kilgore, Texas as sole sources for certain testing services during Fiscal Year 2021-2022.**
- C-A-11 Request that the City Council consider authorizing the City Manager to extend the annual price agreements to Garrison Minerals for Magnesium Hydroxide and Pencco Inc. for Full Service Odor Control utilized in the wastewater treatment process for one year between October 1, 2021 and September 30, 2022.**
- C-A-12 Request that the City Council consider ratifying expenditures in the amount of \$200,996.44 to A.E. Shull for the completed emergency repair of an 18-inch sanitary sewer line located in the 8500 block of Paluxy Drive.**
- C-A-13 Request that the City Council consider approving an Interlocal Agreement with Smith County 911 Emergency Communications District for cost sharing of aerial photography and participation in the Smith County Geographic Information Systems (GIS) Consortium effort.**
- C-A-14 Request that the City Council consider authorizing the City Manager to purchase (13) Thirteen 2022 Ford Interceptor Utility Vehicles fully equipped with decals, lights, sirens, and equipment for police patrol units for the City of Tyler Police Department**

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from Holiday Auto Group through the Tarrant County Sherriff Purchasing Agreement for a total cost of \$637,006.50.

C-A-15 Request that the City Council consider awarding sealed bids opened August 24, 2021 to the listed vendors for the annual price agreements and for the purchase of various water and wastewater treatment chemicals for the fiscal year October 1, 2021 through September 30, 2022.

C-A-16 Request that the City Council consider authorizing the City Manager to execute a Personal Services Contract with Charles H. Samson, III for design and project management of City of Tyler capital improvement projects in the amount of \$50,000.

C-A-17 Request that the City Council consider authorizing the City Manager to execute Work Order No. 3, in the amount of \$155,000, with KSA Engineers, Inc. for additional construction administration and RPR Services for the Golden Road Water Treatment Plant Filters 5-8 Rehabilitation and Chemical Feed System Improvements.

C-A-18 Request the City Council consider authorizing the City Manager to execute an engineering services contract, in an amount of \$410,000.00, with KSA Engineers, Inc. for the Consent Decree Capacity Work Group 2 Alignment Analysis.

C-A-19 Request that the City Council authorize the City Manager to enter into a service area agreement between the City of Tyler and Liberty Utilities (Tall Timbers) Sewer Corporation regarding retail sewer utility to one tract of approximately 50 acres in Smith County located east of County Road 178 and south of County Road 192 and Crosslake Boulevard.

C-A-20 Request that the City Council consider authorizing the City Manager to approve a re-plat of Lots 1 and 2, East Side Subdivision No. 5, located on Lake Tyler.

C-A-21 Request the City Council consider adopting an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2019 rate review mechanism ("RRM") filing. **(O-2021-92)**

Motion by Councilmember Westbrook to approve the entire consent agenda; seconded by Councilmember Curtis; motion carried 7 – 0 & approved as presented.

CITY MANAGER'S REPORT

1. City is accepting applications for boards & commissions. Boards with vacancies are Traffic Safety Board, Tyler Historic Preservation Board, Animal Care Advisory Board, Zoning Board of Adjustments, Disability Issues Review Board, and Industrial Development Corporation.
2. The Tyler Public Library and Animal Services provided books in alternate locations: CASA and Hi-way 80.
3. The Friendly Neighborhood thief video series is returning.

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ADJOURNMENT

Motion by Mayor Pro Tem McKellar to adjourn the meeting at 11:24 am; seconded by Councilmember Westbrook; motion carried 7 – 0 & meeting adjourned.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

