

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 12, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 12, 2023 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:	James Wynne
Councilmembers:	Stuart Hene Shirley McKellar 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
Senior Asst. City Attorney:	April Earley
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Stephen Thompson
Planning Director:	Kyle Kingma
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Compliance Engineer:	Paul Neuhaus
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Director of Utilities:	Kate Dietz
Parks Director:	Leanne Robinette
Director of Solid Waste, Transit:	Leroy Sparrow
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Curtis

MINUTES

Motion by Councilmember Westbrook to approve the March 8, 2023 minutes; seconded by Mayor Pro Tem Wynne; motion carried 7 - 0 & approved as presented.

ORDINANCE

O-1 Request that the City Council consider approving an amendment to update the City Code Chapter 12 for adjustments to land rental rates for areas surrounding the North Terminal Building and Fuel Farm at Tyler Pounds Regional Airport. (O-2023-27)

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

- O-2 Request that the City Council consider the adoption of an Ordinance approving interim retail water utility rates to be charged for service to John Soules Foods, Inc., at a location outside of the Tyler city limits. (O-2023-28)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a utility services agreement with John Soules Foods, Inc., to allow the City of Tyler to begin providing retail water utility service to John Soules Foods, Inc., and also consider authorizing the City Manager to execute a wholesale water contract with Southern Utilities Company to provide an interim source of water to provide to John Soules Foods, Inc., until the City of Tyler completes construction of a water main extension to serve John Soules Foods, Inc.**

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

- M-2 Request that the City Council consider authorizing the City Manager to award Bid No. 23-022 for the Lindsey Park Governor's Community Achievement Award (GCAA) funded improvements to Paragon Construction & Associates to furnish all necessary materials, equipment, superintendence, and labor in an amount not to exceed \$356,549.00.**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute an engineering contract with Kimley-Horn and Associates, Inc., in the amount of \$121,085 for the Intelligent Transportation System Master Plan Year 3 – Traffic Signal Retiming Improvements.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute a Professional Services Consulting contract with Elledge Engineering Corp. for the design, bidding, and construction phases, for the Off-System (Non-TxDOT) Bridge Maintenance project, for a cost, not to exceed \$136,500.00.**

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

- M-5 Request that the City Council consider authorizing the City Manager to execute a Professional Services Consulting contract with Half Associates for the design, bidding, and construction phases, for the West Mud Creek, Tributary A (Glenwood Church of Christ) Erosion Control project, for a cost not to exceed \$618,500.00.**

Motion by Councilmember Hene; 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 contract with L&L Asphalt Corporation for the construction of the Vehicle Services Parking Lot Reconstruction Project Phase II in the amount of \$435,331.05.**

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

- M-7 Request that the City Council consider authorizing the City Manager to execute a contract with Harris Craig Architects, Inc., for the design, construction administration, and observation of the new City of Tyler Information Technology building remodel.**

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

- M-8 Request that the City Council consider authorizing the City Manager to execute a construction contract with NG Painting, LP. for the tank rehabilitation of the Shiloh Elevated Storage Tank in the amount of \$588,150.00.**

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

- M-9 Request that the City Council consider authorizing the City Manager to execute a contract in the amount of \$250,000, with KSA Engineers, Inc., for the Charleston Lift Station Rehabilitation project and consider adoption of a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-17)**

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

- M-10 Request that the City Council consider authorizing the City Manager to execute a contract in the amount of \$202,700, with KSA Engineers, Inc., for the Earl Campbell Gravity Sewer Main project and consider adoption of a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-18)**

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

- M-11 Request that the City Council consider authorizing the City Manager to execute a contract in the amount of \$75,000, with KSA Engineers, Inc., for the Bellwood, Shackelford, and Brooks Lift Station and Force Main Evaluation project and consider adoption of a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-19)**

Motion by Councilmember McGee; seconded by Councilmember Curtis; 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 purchase of Storm Mara Cleanup Assistance from DRC Emergency Services in the amount of \$114,885.**
- C-A-2 Request that the City Council consider authorizing the City Manager to execute a Capital Improvement Project (CIP) construction contract with Heartbeat Construction for the Repair of Inlet Boxes - 2023 project, for \$183,821.78, Bid No. 23-025.**
- C-A-3 Request that the City Council consider authorizing the City Manager to execute a contract with Innovative Roadway Solutions, LLC, for construction of the 2023 ONYX Seal Project in the amount of \$685,432.47.**
- C-A-4 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at W. Line Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2023-20)**
- C-A-5 Request that the City Council consider authorizing payments to the Texas Department of Transportation, for a total amount of \$10,400, for the Grande Boulevard LED (light-emitting diode) Chevron 2024 Highway Safety Improvement Program (HSIP) Project.**
- C-A-6 Request that the City Council consider authorizing the application for and acceptance of Federal Transit Administration (FTA) Grant Funds passed through to the Texas Department of Transportation (TxDOT) under the Section 5310 Mobility of Seniors and Individuals with Disabilities Grant in the amount of \$248,621 along with the acceptance of \$49,724 in Transportation Development Credits (TDC). (R-2023-21)**
- C-A-7 Request that the City Council consider authorizing the City Manager to award Bid No. 23-021 and execute the contract to Cutting Edge Irrigation & Lawns, LLC for general maintenance services at Tyler Pounds Regional Airport in the amount not to exceed \$56,160.00 annually.**
- C-A-8 Request that the City Council consider authorizing the City Manager to declare and approve Tyler Police Department WatchGuard body camera equipment, valued at approximately \$2,750, as surplus and authorize the donation of same to the Whitehouse (TX) Police Department to use for law enforcement purposes.**
- C-A-9 Request that the City Council consider authorizing the ratification of an expenditure in the amount of \$53,758.91 to Alfa Laval Inc. for the repairs to the Westside Wastewater Treatment Plant sludge/biosolids dewatering presses.**
- C-A-10 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order and release of retainage in the amount of \$65,889.88 to Garrett & Associates General Contractors, for the renovation of the Fire Department Headquarters project located at 1520 West Front Street Tyler, TX 75702.**
- C-A-11 Request that the City Council consider authorizing the City Manager to approve upgrading/purchasing Tyler Technologies Brazos ticket books and printers.**

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

CITY MANAGER'S REPORT

Steve Thompson, the Airport Manager, submitted a package with the FAA to compete for funds to start the process of building a new tower and the City received news a couple of weeks ago that we were awarded the funding to begin the design. We're one of the few cities in Texas that actually did receive funding. We were actually one of the highest amounts awarded as well of the different packages that were out there. And this will actually be 100% funded with no local match. Now, this is for the design of the new tower. Then, after the design is done then we can actually start to push forward for the construction of the new tower, the funding for that project. This is a major start to get that underway out there at the airport.

With spring in the air, kids out, and the baseball season in full swing, Golden Road Park's fields one, four, and five and Lindsey Park's softball fields three and four were renovated and completed and look great. And so, if you have an opportunity to go out there and take a look at those and see how our Parks Department has done with those field remodels. We got lots of great comments back on those as well. Also, this coming Saturday, we have the Noble E. Young Park Renovation Ribbon Cutting that we're very excited about. The new children's bike path park is all put in. A new parking lot that connects straight to the town park has been completed and resurfaced. Striping on the original parking lot is being completed, so we are very excited about that park project and having that open on Saturday and hopefully you all will be able to be there.

Speaking of openings, coming up on Thursday evening will be a major opening of the W.T. Brookshire Conference Center that we will be doing from 6:30 to 8:00 P.M. and so, the Mayor and I went out there and got our shoes muddy on Monday and took a look. A couple of weeks ago we were, like, I don't know. The contractor guys are out there and doing an incredible job at finishing up at the last minute and getting everything installed and completed. And so, it's going to be a really important major event and hopefully your families and all that you can invite to come out there and be a part of it. There will be different activities, fireworks, and just fun, so we're very excited about the W.T. Brookshire Conference Center Grand Opening coming up tomorrow night. Battle of the Badges is this Saturday.

EXECUTIVE SESSION- City Council convened into executive session at 9:49 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:

Under Texas Government Code Section 551.071 "Litigation" deliberation regarding the following:

Pending or contemplated litigation or settlement offer involving Liberty Utilities (Tall Timbers) and Liberty Utilities (Woodmark) Sewer Corp vs. City of Tyler, Texas and Rose City Municipal Utility District

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

City Council reconvened from executive session at 10:45 am with no action taken.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:45 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

