

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 26, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 26, 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
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Planning Director:	Kyle Kingma
City Fire Chief:	David Coble
City Librarian:	Ashley Taylor
Compliance Engineer:	Paul Neuhaus
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
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 McKellar.

MINUTES

Motion by Councilmember Westbrook to approve the March 22, 2023 minutes; seconded by Mayor Pro Tem Wynne; motion carried 7 - 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. They represent 100 years of service with the City of Tyler.

Beverly Mullenax, Senior PS Telecommunicator II, 25 years of service

Gene Lewis, Commercial Sales, 25 years of service

Matthew Smyser, Police Lieutenant IV, 20 years of service

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Wayne Thomas, Police Officer XIV, 30 years of service

ZONING

- Z-1 ZA23-002 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 streets and thoroughfares, Master Street Plan adoption, driveway and access, sidewalks, use regulations, parking requirements, signage, definitions, and minor clarifications. (O-2023-29)

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

- Z-2 Z22-063 CHRISTINE VAZQUEZ (1709 PINE CREST DRIVE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from "PMF", Planned Multi-Family Residential District to "POD", Planned Office District with a final site plan. (O-2023-30)

Brad Donley, 212 Old Grande Blvd- Stated that they have lot 18 which he guesses is still not registered as a protest on this. So, the history on this property, this is actually the site of an old lake. So, when the single-family homes that went in, mysterious things suddenly started happening to their property with drainage. Not at the low point of the property, in the middle of the property. So, his concern is that he has been failed once on this when work was done at this site and so, he fully assumes that this will be approved because the assembly line is offering the assumption that everyone is going to do their job right. So, his question is, if he has a failure again, does he send his bill to the City? Because he incurred several thousand dollars of work the last time over a drainage issue, so that's his question. He has been waiting for the Engineer and he think he's addressed this, but at the same time, this is a site with its own special circumstances. He has three sub pumps that he did not have to have until that site work was done.

Mayor Warren, Asked what's the process of the applicant to get all their permitting and go through the drainage issue?

Kyle Kingma, Planning Director - Stated that they are looking at the site plan. The applicant has met with the Engineering staff and they understand what is required. Before they are issued a building permit, they will have to have a Civil Engineer look at the property and demonstrate that there is no increase in runoff from the development. They may have to retain some of the drainage on-site to accomplish that, but for the building permit to be issued for the development, the have to have the Civil Engineer proof that up. We have engineers on staff that would review that.

Mayor Warren, Asked if this would be a third-party Engineer or City Engineer?

Kyle Kingma, Planning Director - Stated that it would be a third party. It would be the applicant's Engineer that prepares the drainage plan and then city staff would review that.

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Councilmember Hene, Asked if the retention pond is still in consideration?

Kyle Kingma, Planning Director – Stated that it's still a possibility. Yeah, they do have it on their site plan on the northwest side. If that needs to be larger, that would affect the plan, and, at that point, if they have to modify the site plan if there's a major change, it would come back to the Council for another review. If there's a minor change, that can be approved administratively, but they would still have to work through that and make sure that they can meet those requirements for drainage.

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

- Z-3 Z23-003 EILAND WALTER GORDON AND KAREN AND LR-CR PROPERTIES LLC (6005/ 6011 NEW COPELAND ROAD AND 938 DOLORES STREET)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1A”, Single-Family Residential District to “RPO”, Restricted Professional Office District. (O-2023-31)

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

- Z-4 Z23-004 NEGEM JIMMY M SR (1371 SOUTH SOUTHWEST LOOP 323)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “C-1”, Light Commercial District to “C-2”, General Commercial District. (O-2023-32)

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

PRESENTATION

- P-1 Request that the City Council consider receiving a presentation from the City's Traffic Engineer, on the Intelligent Transportation System Year 3 Projects.**

Cameron Williams, Traffic Engineer – Gave a brief presentation on the Intelligent Transportation System Year 3 Projects.

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution of support accepting the results of the Downtown Tyler Traffic Study and supporting the use of the data when making decisions for improvements in downtown Tyler. (R-2023-22)**

Michael Howell, MPO Director and Hiron Fernando and Abby Axelson with Kimley-Horne and Associates- Gave a presentation concerning the Downtown Traffic Study.

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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 a Professional Services Consulting contract with Langan Engineering and Environmental Services, LLC for the design, bidding, construction phase and construction observation services, related to the Keaton Avenue Drainage Improvement project, for a cost not to exceed \$355,030.00.

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

M-2 Request that the City Council consider authorizing the City Manager to execute a contract with True Roads Construction, LLC., for the construction of the Numerous Drainage Improvements Project in the amount of \$747,958.00.

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

M-3 Request that the City Council consider authorizing the City Manager to execute a contract with Capps Capco Construction, Inc. for the 2023 Water Main Improvements project in the amount of \$1,177,945.00 and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-23)

Motion by Councilmember Curtis; 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 City Council consider authorizing the City Manager to execute a Small Construction Projects construction contract with Hunter Elite Concrete Leveling, LLC, for the maintenance of the West Mud Creek channel behind Bishop Thomas K Gorman Catholic School in the amount of \$49,750.00.

C-A-2 Request that the City Council consider ratifying City staff action to remove and replace the HVAC boilers at Glass Center/Rose Garden Center in the amount of \$109,540 by Storer Services.

C-A-3 Request that the City Council consider authorizing the purchase of traffic signal system equipment from Consolidated Traffic Controls, Inc. in the amount of \$458,872.50.

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- C-A-4** Request that the City Council consider authorizing the purchase of traffic signal system equipment from Dealers Electric Supply in the amount of \$17,822.20.
- C-A-5** Request that the City Council consider authorizing the purchase of traffic signal system equipment from Iteris in the amount of \$364,950.20.
- C-A-6** Request that the City Council consider authorizing the purchase of traffic signal system equipment from Paradigm Traffic in the amount of \$301,374.
- C-A-7** Request that the City Council consider authorizing the City Manager to purchase two (2) E-One 2023 Rescue Pumper trucks with Typhoon Chassis from Lone Star Emergency Group of Houston, Sourcewell Contract # 113021-RVG, for \$673,556.00 each for a total purchase cost of \$1,347,112.00.
- C-A-8** Request that the City Council consider authorizing the City Manager to purchase a mower for the Parks Department from Lowe Tractor for \$13,581.57.
- C-A-9** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will reduce the contract amount by \$280,357.25 and the release of final retainage payment in the amount of \$91,723.00 to Lopez Utilities Contractor, LLC for Consent Decree Group 3- Manhole Rehabilitation Package Standard Bid, 21-011.
- C-A-10** Request that the City Council consider authorizing the City Manager to ratify submission of an application and acceptance for Federal Aviation Administration Bipartisan Infrastructure Law (BIL) Grant Funds totaling \$225,000.00 to fund 90% of the costs to remove and repaint runway 4/22 pavement markings at Tyler Pounds Regional Airport.
- C-A-11** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 8 by designating the Audio Visual (AV) Fee Variable Item as at City Cost. (O-2023-33)
- C-A-12** Request that the City Council consider adoption of a Resolution authorizing the application for and acceptance of Federal Transit Administration (FTA) Grant Funds passed through the Texas Department of Transportation (TxDOT) under the Section FY20-5339 Bus and Bus facilities Grant in the amount of \$218,268 along with the acceptance of \$43,654 in Transportation Development Credits (TDC). (R-2023-24)
- C-A-13** Request that the City Council consider adoption of a Resolution authorizing the application for and acceptance of Federal Transit Administration (FTA) Grant Funds passed through the Texas Department of Transportation (TxDOT) under the Section FY21-5339 Bus and Bus facilities Grant in the amount of \$201,174 along with the acceptance of \$40,235 in Transportation Development Credits (TDC). (R-2023-25)
- C-A-14** Request that the City Council consider adoption of a Resolution authorizing the application for and acceptance of Federal Transit Administration (FTA) Grant Funds passed through the Texas Department of Transportation (TxDOT) under the Section

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FY21-5339 Bus and Bus facilities Grant in the amount of \$186,507 along with the acceptance of \$37,302 in Transportation Development Credits (TDC). (R-2023-26)

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

CITY MANAGER'S REPORT

1. Sales tax figures available from the Texas Comptroller Website indicate our sales tax revenue that was deposited last week was \$4.63 million dollars. This compares to revenues of \$4.11 million dollars for the same period last year. The actual increase for the month compared to the same month last year was 12.71% and this compares to the state monthly average of 11.52% in sales tax revenue collection. The City of Tyler's economy is still doing quite well, especially when compared to the state average as well.
2. Cameron gave a great presentation about the traffic signal work and one of the things I want to brag about is that he and the department have begun their annual comprehensive preventive maintenance inspection of all 149 intersections in the city. This process includes inspecting all traffic and pedestrian signals, testing the signal conflict monitor, performing any LED replacements, completing aerial signals, detection inspections, and much more. The process is designed to ensure the longevity and functionality of the city's signal assets. During the inspections, the intersection will be placed in red flash for about 15 minutes. We anticipate this process to be completed in mid-June. This is such an important step and the things that he brings to you and this council and you all take on the capital and as far as the policies and the movement is essential, but then kind of the on-going maintenance and inspection of those so that we continue with the investment that you're making, continue to make that last. We're very proud of Cameron and Staff for keeping that going.
3. Most of the things that we're excited about, Saturday, April 15, the Parks Department held the grand opening for the Noble Lee Young Park. We had about 75 members of the community, including the local bike club members, and the St. Louis community residents come out to enjoy the sunshine, the new children's bike park, the new workout stations, the new pavilions, and the new trail. We have thanks to the City Council and Parks board members who were in attendance and a special thanks to Councilmember Broderick McGee who spoke during that ceremony. Keep Tyler Beautiful added a small mural at the Noble Lee Young Children's Bike Park and the mural features elements that tie in the restroom mural. That was completed at the end of 2022 by artist Jamie Robinson, so that was a great event and we appreciate those who were able to make it out and the community just fell in love with that park and how incredible that is.
4. Finally, just a huge thank you to everyone involved with the successful grand opening of the W.T. Brookshire Convention Center on Thursday April 14, at night. We really had a momentous grand opening for that facility. Incredible compliments to the City. People got in there and you can see what that looked like, how that functioned and then, of course, the fireworks at the end of the night were just an incredible thing to top it off. It was one of those events that the community will remember for a long time, so thank you all on the Council for your involvement in that and your support for the project.

ADJOURNMENT

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Motion by Councilmember Westbrook to adjourn the meeting at 9:50 am; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

