

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 24, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 24, 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:	Brad Curtis (absent)
Councilmembers:	Stuart Hene
	Shirley McKellar
	Broderick McGee
	James Wynne
	Lloyd Nichols (absent)

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
Director of Organizational Development:	Regina Y. Moss
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Director of Utilities:	Kate Dietz
Parks Director:	Leanne Robinette
Director of Solid Waste, Transit:	Leroy Sparrow
Project Engineer, Water Utilities:	Jacob Yanker
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Wynne.

MINUTES

Motion by Councilmember McGee to approve the April 26, 2023 minutes; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

ELECTIONS

E-1 Request that a Certificate of Election and the Oath of Office be administered to the re-elected City Councilmember for District 3.

Judge Amy McCullough administered the oath of office to the re-elected City Councilmember Shirley McKellar.

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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. They represent 120 years of service with the City of Tyler.

**James Freeman, Police Sergeant III, 20 years of service
Jason Beasley, Fire Driver Engineer III, 20 years of service
Staci Lara, Recreation Program Supervisor, 20 years of service
Scott Behrend, Police Officer XI, 20 years of service
Kelly Adkinson, Fire Senior Captain I, 20 years of service
Lynn Thrash, Senior PS Telecommunicator II, 20 years of service**

A-2 Request that the City Council consider accepting the Sustained Excellence and Gold Star Affiliate Award from Keep Texas Beautiful.

Erin Garner, KTB Coordinator- Gave an annual report of the Keep Tyler Beautiful Board.

A-3 Request that the City Council consider accepting the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association (GFOA) of the United States and Canada for the City of Tyler’s Fiscal Year 2020-2021 Annual Comprehensive Financial Report.

ZONING

**Z-1 Z23-005 ROBERTO PULIDO JR (706 NORTH NORTHWEST LOOP 323)
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1A”, Single-Family Residential District to “C-1”, Light Commercial District. (O-2023-39)**

Motion by Councilmember McKellar to approve as RPO; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

**Z-2 Z23-006 CARLOS MAYA (827 WEST 5TH STREET)
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1B”, Single-Family Residential District to “R-2”, Two-Family Residential District. Opposed Councilmember Hene, Councilmember Wynne, Mayor Warren**

Motion by Councilmember McKellar to approve; seconded by Councilmember McGee; motion carried 3 - 2 & denied as presented.

**Z-3 Z23-007 PATH (412 SOUTH CHILTON AVENUE)
Request that the City Council consider adoption of an Ordinance approving a zone change from “RPO”, Restricted Professional Office District to “DBAC”, Downtown Business, Arts and Culture District. (O-2023-40)**

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Motion by Councilmember McGee; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

- Z-4 Z23-008 LUIS MIRANDA (5542 WILLINGHAM DRIVE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1A”, Single-Family Residential District to “R-1B”, Single-Family Residential District. (O-2023-41)

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

- Z-5 S23-005 PAOLA GARCIA (1315 BELLAIRE DRIVE)**
Request that the City Council consider adoption of an Ordinance approving the Special Use Permit to allow for the use of the property as a one-chair beauty salon in addition to use as a single-family residence. (O-2023-42)

Motion by Councilmember McKellar; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council review and consider accepting the Revenue and Expenditure Report for the period ending March 31, 2023.**

Motion by Councilmember McGee; seconded by Councilmember Hene; motion carried 5 - 0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to execute an engineering services contract, in the amount of \$365,000, with Elledge Engineering Corp. for the FM 756 Utility Relocates project and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-27)**

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

- M-3 Request that the City Council consider authorizing the City Manager to execute a contract with McInnis Brothers Construction, Inc. for the Shiloh Road Elevated Storage Tank Site Improvements project, in the amount of \$960,000, and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-28)**

Motion by Councilmember Wynne; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

- M-4 Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract Addendum 1, in an amount not to exceed \$630,500, with KSA Engineers, Inc. for the Consent Decree Group 5 Remedial Measures**

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Implementation Addendum 1 and to approve a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-29)

Motion by Councilmember Wynne; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

M-5 Request that the City Council consider authorizing the City Manager to execute the second year of a planned three (3) year Indefinite Delivery, Indefinite Quantity (IDIQ) contract for the “Cleaning and Closed-Circuit Television (CCTV) Recording of Wastewater (Sanitary Sewer) Lines, Groups 6-8”, TASB BuyBoard Contract #635-21, with Vortex Services, LLC for \$3,233,391.57.

Motion by Councilmember Hene; seconded by Councilmember McGee; motion carried 5 - 0 & approved as presented.

M-6 Request that the City Council consider authorizing the City Manager to execute a contract for the “Group 7 Cleaning & Closed-Circuit Television (CCTV) Recording of Wastewater Lines, Basin 20, Bid No #23-043, with Pro-Pipe, Inc for \$1,369,779.50.

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 5 - 0 & approved as presented.

M-7 Request that the City Council consider reappointment of a chairman and two members of the City of Tyler Tax Increment Reinvestment Zone No. 1 Board of Directors.

Motion by Councilmember Hene to reappoint Billy Hibbs Jr., Fred Carl and reappoint Dean Cagle as Chairman; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

M-8 Request that the City Council consider the adoption of a Resolution nominating Tyler Regional Hospital, LLC – UT Health Tyler, for award of a State of Texas Enterprise Zone Project designation and the Job Retention Benefit under the Enterprise Zone Program. (R-2023-30)

Motion by Councilmember McKellar; seconded by Councilmember Hene; motion carried 5 - 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 payment to the Texas Department of Transportation in the amount of \$62,041.07 for the 2020 Highway Safety Improvement Projects entitled N Broadway at W 26th Street Crosswalk Improvements and New Copeland Rd Signal and Crosswalk Improvements.

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- C-A-2 Request that the City Council consider authorizing payment to the Texas Department of Transportation, in the amount of \$687,847, for the Legacy Trails Extension project.**
- C-A-3 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending March 31, 2023.**
- C-A-4 Request that the City Council consider authorizing the City Manager to purchase a mower for the Street Department from Lowe Tractor for \$13,100.86**
- C-A-5 Request that the City Council authorize the City Manager to award a contract, in the amount of \$261,254.00 to Braswell Paint Company, for prep and repainting of downtown campus buildings; City Hall, Finance, Tyler Development Center, and Water Administration Exteriors.**
- C-A-6 Request that the City Council consider authorizing the City Manager to purchase playground equipment for Pollard Park through the Buy Board Purchasing Cooperative from Kraftsman Commercial Playgrounds & Water Parks in the amount of \$153,201.82.**

Motion by Councilmember McGee to approve the entire consent agenda as presented; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. We are lucky to have our Community Resource Officer Bianca Smedley here today as we brag on her and the work that she has done. On Friday, May 12, the Police Department had the opportunity to hold their first Comunidad Event at the Glass Recreation Center. Just as they have done with Church and Community and other outreach events, there was an absence that was noted especially with our Hispanic community, the outreach towards them and being able to have good conversations with our Police Department, public safety, and that community. There was a great turnout at this first Comunidad Event, and it was clearly apparent that we will need to find a larger venue in the future. Community Resource Officer Bianca Smedley took the initiative to set this program up and bring together officers, organizations, and citizens. The meeting was led by Detective Edgar Zebeta and many of our Hispanic officers introduced themselves and spoke about their assignments within the department. The meeting was conducted almost entirely in Spanish and provided a new outreach opportunity for our department. We look forward to seeing the growth of this program. For everyone attending, involved, and speaking during the event, we want to say thank you. We are very grateful for Office Smedley and what she has done as well as the entire Police Department and their outreach to our Hispanic community.
2. Many of you all are graduates of Leadership Tyler. Last week, we celebrated the graduation of Leadership Tyler, a class of 36, of which we have our own Regina Moss and Paul Findley our Fire Marshal, and so we're very excited and proud of them for their achievement on that. Also, a major congratulations to Mayor Warren and our communications team during our Leadership Tyler Event. That was just the precursor for the State of the City. We had one of the best "State of the City's in memory that any of us can think about. We're very proud of the Mayor and the Communications team for making sure that went without a hitch. It was incredible for you as the Council, for your

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representation there, and the support that you give. The State of the City really did turn out incredible and we are very appreciative, again, of the Mayor and our Communications team for making the city look great.

3. Amber Patrick, this is her last Council Meeting Day. For the people in the audience, minus staff. They know. Amber sits back there as my Executive Assistant and she makes sure a lot of parts of this meeting run without a hitch from the agenda preparation, getting the information to the Council, to the waters you have in front of you. She has been essential in the last year and a half of her work on that. We have been very proud to have her. She is now moving with her family to the Greater Austin area. She'll regret that later, but until she moves back here this is her last Council Meeting that we'll have her hands in. Like I said, we're very appreciative of the work she's done. If you get a chance to say thank you, please do.

Mayor Warren - Wished Benny a happy birthday.

Councilmember McKellar - I would like to add to the City Manager's Report to thank our Fire Chief for sending out his staff to teach a group of us CPR last night. We actually have Mike Nichols and Dr. Nancy Nichols in with us today because they were part of the class and were taught CPR and how important it is, so I want to thank the Chief for sending his gentlemen out last night to train us up.

ADJOURNMENT

Motion by Councilmember Wynne to adjourn the meeting at 10:01 am; seconded by Councilmember McKellar; motion carried 5 – 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK