

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 14, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 14, 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
Councilmembers:	Stuart Hene
	Shirley McKellar
	Broderick McGee
	James Wynne
	Lloyd Nichols
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Stephen Thompson
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
Code Enforcement Manager:	Chris Lennon
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Director of Solid Waste, Transit:	Leroy Sparrow
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Nichols.

MINUTES

Request that the City Council consider approving the minutes of the regular meeting of the City Council of the City of Tyler, Texas held on May 10, 2023.

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

PRESENTATION

P-1 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2022-2023 Budget document from the Government Finance Officers Association of the United States and Canada.

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance amending and updating Tyler City Code Chapter 19 by adopting certain alcoholic beverage regulations for public parking lots and public parking areas, public boat ramps, and adjacent properties, located on City-owned lands at Lake Tyler and Lake Tyler East. (O-2023-43)**

David Long, Asst Police Chief – Stated they are considering adopting some changes to Chapter 19 Ordinances that govern Lake Tyler, both east and west. What they are looking at is prohibiting alcoholic beverages in very specific locations that will be limited to concession stand one, Phil Creek Park, East Side Park, Highway 64 Park, Bow Grounds, and the general parking areas. What this ordinance does not prohibit: it doesn't prohibit alcohol in all the designated areas, private residence, businesses, any lease-owned property. It's very specific to the public parking lots, the parking areas, and the boat ramps. It also allows you to bring alcohol into these areas and then transport to the authorized areas, picnic areas, camping areas, and things like that. This would create an extra tool for us to help us with some of the enforcement issues that we've had over the last couple of years with unauthorized, unannounced, spontaneous large events that have been causing some problems within these very specific locations.

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a contract with Denali Water Solutions LLC for the Westside Wastewater Treatment Plant Sludge/Biosolids Lagoon Cleanout, in an amount not to exceed \$2,750,000 at \$347.60 per dry ton of biosolids removed and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-31)**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a Small-Medium contract with Air Quality Associates, Inc for the asbestos removal project located at 515 East Erwin Street, for a cost not to exceed One Hundred Eighteen Thousand Three Hundred Thirty-three Dollars and Zero Cents (\$118,333.00).**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute a Small-Medium contract with Cactus Abatement and Demolition, LLC for the demolition project located at 515 East Erwin Street, for a cost not to exceed Two**

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Hundred Eighty Thousand One Hundred Seventy-one Dollars and Zero Cents, (\$280,171.00).

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

M-4 Request that the City Council consider authorizing the City Manager to execute a contract with Reynolds and Kay, LTD., for the construction of the 2023 Street Reconstruction Project in the amount of \$4,784,777.85.

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

M-5 Request that the City Council consider authorizing the City Manager to enter into an escrow agreement with Esposito Residential, LLC, authorizing acceptance of escrow amount of \$19,192.75 for public improvements related to Centennial Parkway Development to be completed at a future date to be determined by the city.

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

M-6 Request that the City Council consider authorizing the City Manager to execute an engineering contract with WSB & Associates, Inc. to complete a Traffic Signal Inventory in the amount of \$158,000.

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

M-7 Request that the City Council consider authorizing the City Manager to execute an engineering contract with HDR Engineering, Inc. to complete the South Tyler Mobility Study in the amount of \$493,411.

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

M-8 Request that the City Council consider authorizing the City Manager to execute a contract with USIC Locating Services, LLC for locating and marking water, sanitary sewer, and storm water underground facilities in an amount not to exceed \$200,000.

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

M-9 Request that the City Council consider authorizing the City Manager to execute a contract with C&A Construction, LLC in the amount of \$6,638,512.64 for the Consent Decree Group 5 Remedial Measures Open Cut, Bid 23-039 and to adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-32)

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

- M-10 Request that the City Council consider authorizing the City Manager to execute a construction contract with Gracon Construction, Inc. for the construction of the Golden Road Water Treatment Plant Clarifier and Filter Rehabilitation project in the amount of \$4,523,280.00 and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-33)**

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

BOARD APPOINTMENTS

- B-1 Request that the City Council consider appointing a member to the Parks Board due to a vacancy on the board.**

Motion by Councilmember McKellar to appoint Richard Helfers; seconded by Mayor Pro Tem Curtis; 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 authorizing the ratification of a total expenditure in the amount of \$681,724.90 for rental and replacement of aeration basin aerators at the Westside Wastewater Treatment Plant to the following vendors: \$69,260.00 to Gracon Construction, \$530,317.00 to Newterra Corp., \$82,147.90 to Alan Fielding Electric.**
- C-A-2 Request that the City Council consider authorizing the City Manager to execute a letter of agreement for professional advisory services with Valley View Consulting for a two-year period, expiring June 30, 2025, effective July 1, 2023 with an option to extend this agreement in additional one- or two-year increments upon satisfactory completion of the next two years of service.**
- C-A-3 Request that the City Council consider authorizing the City Manager to purchase playground equipment for Pollard Park through the Buy Board Purchasing Cooperative from May Recreation Equipment & Design, L.P. in the amount of \$29,599.**
- C-A-4 Request that the City Council consider authorizing the City Manager to purchase a tractor and mower for the Airport from Lowe Tractor for \$95,736.37.**
- C-A-5 Request that the City Council consider authorizing the City Manager to approve a replat of Lots 1 and 2, East Side Subdivision No. 5, located on Lake Tyler.**

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- C-A-6 Request that the City Council consider ratifying a payment of \$49,952.50 to Hunter Elite Concrete Leveling, LLC, for the completed Improved Concrete Channel Void Filling project.**
- C-A-7 Request that the City Council consider the ratification of a payment of \$23,783.00 to Harbeat Construction for the replacement of the damaged guard rail and inlet box top over Black Fork Creek at East Erwin Street and Old Henderson Highway.**
- C-A-8 Request that the City Council consider the ratification of a payment of \$10,890.00 to Hartbeat Construction for the emergency East Grande Boulevard storm drain repair.**
- C-A-9 Request that the City Council consider the ratification of a payment of \$16,150.00 to Hartbeat Construction for the emergency 2211 West Southwest Loop 323 void repair.**
- C-A-10 Request that the City Council consider the ratification of a payment of \$19,226.00 to Precision Civil, LLC, for the completed Cascades Storm Drain Repair project.**
- C-A-11 Request that the City Council consider authorizing the City Manager to award a contract in the amount of \$110,000.00 to Acumen Enterprises for roof replacement at the Center for Healthy Living.**
- C-A-12 Request that the City Council consider the ratification of a payment of \$17,575.00 to Precision Civil, LLC, for the completed Stormceptor Erosion Repair project.**
- C-A-13 Request that the City Council consider authorizing the City Manager to execute a Small Construction Projects construction contract with Precision Civil, LLC, for the cleaning and sealing of the West Mud Creek channel behind Bishop Thomas K Gorman Catholic School in the amount of \$48,280.00.**
- C-A-14 Request that the City Council consider authorizing the City Manager to execute the Airshow Agreement Between the City of Tyler, Texas and Citizens Assisting Military Personnel and Veterans (CampV) for holding the Rose City Airfest on June 30, 2023, at Tyler Pounds Regional Airport.**
- C-A-15 Request that the City Council consider authorizing the City Manager to execute the Airshow Agreement Between the City of Tyler, Texas and Cedar Creek Veterans Foundation and the Historic Aviation Memorial Museum (HAMM) for holding the WarBirds Expo on July 1 and 2, 2023 at Tyler Pounds Regional Airport.**
- C-A-16 Request that the City Council consider authorizing the City Manager to purchase a tractor for the Street Department from Lowe Tractor for \$49,673.71 buy board contract 611-20.**

Motion by Mayor Pro Tem Curtis to approve the entire consent agenda; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Sales Tax figures available from the Texas Comptrollers website indicate our sales tax revenues deposited for this coming Friday are \$4.755 million. This compares to revenues of \$4.543 million for the same period of last year. The actual increase for the month compared to the same of last year was 4.67% and to put that in perspective, the state-wide monthly average was 0.69% increase in sales tax revenue collections for cities. Tyler still looks very good in regard to its economy.
2. On June 7, Mayor Warren and County Judge Neil Franklin convened the Annual Tyler-Smith County Emergency Medical Services (E.M.S.) Emergency Administrative Agency along with the contractors U.T. Health, E.M.S. Staff, the City Attorneys, Fire Chief, and the Police Chief. This required meeting, per the contract that we have for our E.M.S. Service, to consider the Annual Report, the Medical Control Board Report, and the possible annual contract extension. It's one of those things. You see the ambulances all over. Our E.M.S., this one, does not require any subsidies from the city or the County for those services. One of the checks we have, though, is the mayor, a member of the Council, the County Judge, and then a member of the Commissioner's Court who meet every year to review the performance measures and also what was the response to that service from our local hospitals. The response time for the 2022 year required 90% response time compliance. U.T. Health E.M.S. complied or exceeded that requirement in all the different call categories that they have. Also, the Medical Control Board which is made up of doctors from U.T. Health and Christus Mother Francis meet and provide annually ratings for their performance levels for U.T. Health E.M.S. Of those that participated in the annual service ratings, on a scale of zero to five provided an average rating of 4.57. With the compliance and rating met for the contract, the contract was renewed for another year. Just a bit of what goes on behind the scenes and make sure our community knows about it as they are the lifeblood as far as our E.M.S. and taking care of them in times of need.
3. The library held its summer kick-off event last Monday and it was a great success. Six-hundred fifty children and adults attended to visit booths, play games, take on the bounce houses, obstacle courses, and over all have fun. We had 146 kids sign up for the event at the summer reading challenge bringing the total registration for this year to 899. So, we want to thank our Fire and Police Departments for grilling 600 sliders for the attendees. We were grateful for all those who were participating. We had City and Departments that had different booths, Main Street, Organizational Development, Parks, Keep Tyler Beautiful, and Transit. They really did an incredible job. We had quite a few other groups that were out there participating and it's always good to make sure that we keep our kids' reading during the summer while they're not in school.
4. The Police Department continues to make sure it's prepared for when one of those awful situations occur. When we saw with the Uvalde School Shooting now a little over a year ago, difficulty came in breaching different doors, getting into different areas. One of the things that our Police Department did to make sure they are prepared for those types of emergencies is go ahead and order what is called a Conex Breaching Box. Think of those Conex boxes that you see, but this is one specifically designed to be able to go in and to learn how to be able to breach doors and break out windows, get into buildings and rooms, without having to do that during an emergency so you're prepared and continue to go through the training, know how to be able to do it, and then be able to replace it. So, you're able to kind of continue to go out there and train on that forceful entry. They were able to have their Conex Breaching Box installed a few weeks ago. We even had the Street Department jump in to make sure they had

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a pad site to be able to put that on over toward the gun range area. And so, it's something we're excited to have for training purposes. Again, it's always important to train, train, train, so when those situations occur, we are able to go in and save life and property. As the Mayor noted, my final note is we have a very important birthday today. The City Clerk who keeps all of this moving and keeps this meeting in order and that we don't go to jail every day which is always important. So, Cassandra's birthday is today, so happy birthday, Cassandra.


Mayor Pro Tem Curtis – Stated that he had received an email about a recycling truck driver from a citizen, Shamia Hopkins, emailed me and said a recycling truck drove up, picked up the trash bin, and something fell out--did not make it into the truck and fell into the street. The driver got out, went around, threw it back in the truck, cleaned the street up and moved on. They were impressed enough that this driver cared enough to get out and do that they wanted me to know. I told them I would make sure I recognize Shamia Hopkins. Also, I thank Leroy, those types of attitudes flow from leaders who are setting up that kind of environment, so I'm grateful that we've got people like that, so I wanted to recognize them.

Councilmember McKellar - I want to thank the Pan-Hellenic Council for being here today and recognize them and the great work they're doing in the community. Our Attorney is also a member along with many other City Staff that are members of the Pan-Hellenic Council. Also, Miss Charlotte Adams Graves who took over when the late Freeman Sterling passed away. I wanted to recognize her here.

Councilmember Wynne – Stated that he wanted to give kudos to Leroy. The City Manager gave us some information recently about the storm debris cleanup. The city spent over \$500,000 unbudgeted to help out the citizens, so Leroy, thank you for your group, and thank you, Ed, for finding money in the budget to take care of this.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:10 am; seconded by Mayor Pro Tem Curtis: motion carried 6 - 0 and meeting adjourned.


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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

