

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
August 24, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 24, 2022 at 9:00 a.m. in the City Council Chambers, 2<sup>nd</sup> 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
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Stephen Thompson
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Librarian:	Ashley Taylor
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 McKellar.

**MINUTES**

Motion by Councilmember Westbrook to approve the minutes of the July 27, 2022 meeting; seconded by Mayor Pro Tem Wynne; motion carried 7 - 0 & approved as presented.

**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. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. They represent 95 years of service with the City of Tyler.

Stephen Black, Police Officer XII, 25 years of service  
Peter Damron, Plant Mechanic, 25 years of service  
Richard Strother II, Police Officer XI, 20 years of service

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Dennis Mathews, Police Officer XIII, 25 years of service

**PRESENTATION**

- P-1 Request that the Tyler City Council consider receiving a presentation of the Half Cent Sales Tax 2022-2023 Annual Work Program in conjunction with the 2022-2023 Corporate Budget.**

**Darin Jennings, City Engineer** – Gave a presentation on Half Cent Sales Tax 2022-2023 Annual Work Programs that are current and completed.

**ZONING**

- Z-1 Z22-050 SPIGNER MICHAEL S (1104 WILLIAMS STREET) Request that the City Council consider adoption of an Ordinance approving a zone change from “R-MF”, Multi-Family Residential District to “R-2”, Two-Family Residential District. (O-2022-74)**

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

- Z-2 Z22-049 NORTHCHASE DEVELOPMENT LLC (3895 NORTH BROADWAY AVENUE) Request that the City Council consider adoption of an Ordinance approving a zone change from “AG”, Agricultural District to “R-MF”, Multi-Family Residential District. (O-2022-75)**

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

- Z-3 PREVIOUSLY TABLED ITEM Z22-046 MEZAYEK PATRICIA SHAFFER & FRANKLIN THOMAS SHAFFER (2019, 2027 AND 2033 PATRICIA DRIVE, 3020 WEST GENTRY PARKWAY, AND 2804 SHAFFER LANE) 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. The item was tabled at the July 27, 2022 City Council meeting. (O-2022-76)**

Motion by Councilmember McKellar to un-table this item from the July 27, 2022 meeting; second by Councilmember McGee; motion carried 7-0 and item un-tabled.

Citizens that were at the meeting to speak against the rezoning item:

- Patrice Young, 2811 Shaffer Lane
- Wanda Nash, 2913 Shaffer Lane
- Dorinda Williams, 2902 Shaffer Lane
- Lawanda Johnson, 2809 Shaffer Lane
- Charlotte Wickware, 2909 Shaffer Lane
- Delois Geter, 2918 Shaffer Lane
- Tina Moore, 2901 Shaffer Lane
- Gaius Geter, 2918 Shaffer Lane

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Dorinda Williams submitted "Exhibit A" attached.

Sam Mezayek – Name listed on the property because it was his family's old property and he is in favor of the zoning. Mr. Mezayek was present just for questions.

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

- Z-4            Z22-042 JOSE AND MARIA VARGAS (2009 AND 2013 DEVINE STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1A", Single-Family Residential District to "R-2", Two-Family Residential District. (O-2022-77)**

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

- Z-5            Z22-052 RSB LANDMARK PROPERTIES (APPROXIMATELY ONE ACRE OF LAND LOCATED NORTH OF CROSBY STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "R-2", Two-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District. (O-2022-78)**

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

- Z-6            Z22-047 RADEJEN COVE LLC (1116 TRAVIS STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "RPO", Restricted Professional Office District to "R-2", Two-Family Residential District. (O-2022-79)**

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

- Z-7            Z22-051 BEST BUYERS HOMES LLC (1131 EAST COMMERCE STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "C-2", General Commercial District to "R-1D", Single-Family Detached and Attached Residential District. (O-2022-80)**

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

## **HEARING**

- H-1            Request that the City Council consider conducting a public hearing on the proposed Fiscal Year 2022-2023 Annual Budget and on the proposed property tax rate of \$0.261850 per \$100 of taxable property value.**

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City Manager, Edward Broussard gave a presentation on the proposed Fiscal Year 2022-2023 Annual Budget and on the proposed property tax rate of \$0.261850 per \$100 of taxable property value.

City Council went into a public hearing at 10:43 am with Casey Brown, 7721 Cherryhill Drive coming forward stating his concerns over the rates being raised for water.

City Council closed the public hearing at 10:48 am.

### ORDINANCE

- O-1 Request that the City Council consider adoption of an ordinance approving appointments to the Boards of Directors of the Tax Increment Reinvestment Zone No. 3 and Tyler Redevelopment Authority. (O-2022-81)**

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

- O-2 Request that the City Council consider adoption of an Ordinance approving appointments to the Board of Directors of the Tax Increment Reinvestment Zone No. 4. (O-2022-82)**

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

Motion by Councilmember Curtis to appoint Councilmember McGee as Vice Chair; seconded by Councilmember McKellar; motion carried 7-0 & approved as presented.

- O-3 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by updating and amending the provisions in the 2015 International Building Code related to automatic sprinklers and the storage, manufacturing and display/sale of upholstered furniture or mattresses. (O-2022-83)**

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

- O-4 Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by updating and amending the provisions in the 2015 International Fire Code related to automatic sprinklers and the storage, manufacturing and display/sale of upholstered furniture or mattresses. (O-2022-84)**

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

City Council took a break at 11:02 am and returned at 11:10 from a break.

### MISCELLANEOUS

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**M-1 Request that the City Council consider awarding bid number 20-027 related to Pharmacy Benefit Management Services to CerpassRx.**

**Lance Pendley, McGriff** – Gave a presentation on the Pharmacy Benefit Management Services.

**Cindy Klein, 6052 Brynmar Ct, HealthFirst** – Asked the City Council to extend HealthFirst contract for 1 more year.

Motion by Councilmember Westbrook to approve CerpassRx for a three year contract; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.

**M-2 Request that the City Council consider awarding bid number 20-026 related to Administrative Services Only (ASO) for Medical, Dental, PPO Network and COBRA/HIPAA Services, Short Term Disability, Retiree Billing, HSA, FSA and Dependent Care Administration and Telemedicine (Actives and Retirees) to UMR in the amount of \$341,150 (includes 1st year \$100,000 credit) and to Delta Dental for dental services in the amount of \$28,345.**

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

**M-3 Request that the City Council consider awarding the bid for construction of a new pavilion and restroom for Noble E. Young Park.**

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

**M-4 Request that the City Council consider authorizing the City Manager to execute an Engineering Services Agreement with KSA Engineers Inc. for the design, bidding, construction administration and inspection of the Westside Wastewater Treatment Plant Administration Building in the amount of \$467,700.**

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

**M-5 Request that the City Council consider authorizing the City Manager to execute a contract with Lone Star Land Enhancement in the amount of \$3,678,365.44 for the Sanitary Sewer Right of Way Clearing, Bid 22-035.**

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

**M-6 Request that the City Council consider executing an Additional Services Request from Benchmark Design Group in an amount not to exceed \$45,000 to perform the necessary construction inspection services on the Cloverdale Drainage Project.**

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

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- M-7 Request that the City Council consider authorizing the City Manager to enter into an agreement with Kimley-Horn, to develop a Downtown Tyler Traffic Study for the Tyler Area Metropolitan Planning Organization in the amount of \$195,900.**

Motion by Councilmember McKellar; 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 authorizing the City Manager to execute a new Personal Services Contract with Davis Dickson for project management and engineering services for the Half Cent Sales Tax program for the City of Tyler in the amount of \$50,000.**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase two (2) Chevrolet 1/2-ton pickup trucks to be used by the Airport and the Fire Department from Hall Buick GMC Tyler, Texas for a total cost of \$101,965.00.**
- C-A-3 Request that the City Council consider authorizing the City Manager to ratify submission of an application and acceptance for Federal Aviation Administration Airport Improvement Grant Funds totaling \$34,444 to fund 100% of the costs to purchase an Aircraft Rescue and Fire Fighting Foam Testing Trailer for Tyler Pounds Regional Airport.**
- C-A-4 Request that the City Council consider authorizing the City Manager to ratify submission of an application and accept upon receipt the Federal Aviation Administration Airport Improvement Grant with funds totaling \$6,876,354 to fund 90% of the Taxiway Alpha Rehabilitation Project at Tyler Pounds Regional Airport.**
- C-A-5 Request that the City Council consider authorizing the City Manager to ratify a reconciliation change order that will decrease the contract amount by \$9,040.00 and the release of final retainage payment in the amount of \$33,917.80 to A&B Construction, LLC for the Sanitary Sewer Rehabilitation Package Standard Bid, 21-039.**

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

**CITY MANAGER'S REPORT**

1. Traffic operations have been making improvements to school zones.
2. The W T Brookshire Conference Center updated construction schedule is attached. WRL has informed the City of Tyler there are significant delays associated with the air walls. The turnaround time is about 22 weeks and could be more. Delays are also affecting the delivery of the fountain for the park. Finally, the order details on the IT equipment are showing late December delivery. As we get further updates we will continue to provide

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those to Council. March will likely be the month for scheduling a grand opening as well as ticketed events beginning to occupy the facility.

3. The Engineering Department has been working with our consultant, Halff Associates, on the Shiloh Road Preliminary Engineering Report. Initial topographic survey data has been collected and is now being processed. Stakeholder Working Group Meetings are scheduled for August 23. These are fact finding meetings with property owners and businesses who utilize Shiloh Road on a daily basis. We have worked with Councilmen Westbrook and Curtis to identify these stakeholders and have invited these specific stakeholders to meet with our design team. Next steps after the stakeholder meetings are to collect subsurface utility information for the area, initiate contact with Union Pacific Railroad, and start developing initial alternatives based upon feedback from the various stakeholders.

**EXECUTIVE SESSION** – City Council convened into executive session at 12:17 pm

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 Gov't Code Section 551.072 "Real Estate" deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real properties, the public discussion of which would have a detrimental effect on the negotiating position of the City.

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

City Council reconvened from executive session at 12:43 pm with no action taken.

**ADJOURNMENT**

Motion by Councilmember McKellar to adjourn the meeting at 12:44 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



"Exhibit A"

**City Council Chambers  
City Hall  
212 N. Bonner  
Tyler, Texas 75702  
August 24, 2022**

**We the Property Owners on Shaffer Lane continue to have the same decision to Petition against REZONING the 2.24 Acres for Commercial Retail on West Gentry & Shaffer.**

**Changing the zoning on a residential property can be a challenge because:**

- 1. Property Change could increase the traffic and accidents**
- 2. Property Change could bring more people/traffic to our residential area**
- 3. Property Change could Infringe upon on the privacy of our residents & Property Owners**
- 4. Property Change could cause high Crime Rate**
- 5. Property Change could cause this area to become a high risk area for the SAFETY of our Children's**
- 6. Property Change could increase the Water drainage which we are already experiencing.**
- 7. Property Change could affect the Residents Taxes and possibly the Value of our property.**
- 8. Property Change could create lots of accidents on the corner of Shaffer and Gentry**
- 9. Property Change could bring more thrash/Litter to the Area; we want to keep our Street Clean and Beautiful according to the Slogan of Tyler "KEEP TYLER BEAUTIAL".**
- 10. The Property Change is not a positive change for the area over all.**

**For the Record: The Current Owner has the right to sell his/'her property at any given time; but Don't make the Entire Street suffer for his/her Self-Gain.**

**We the Property Owners humbly submit our Petition to the City Council and Zoning to take DEEP Consideration for our request against rezoning change. Please leave this as a Quiet Residential Zone Area.**

**Peace and Blessing to All!!!**

**Submitted by: Dorinda Henderson-Williams, Property Owner on Shaffer Ln.**