

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
July 14, 2021**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 14, 2021 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:	Broderick McGee
Councilmembers:	Stuart Hene
	James Wynne
	Shirley McKellar
	Bob Westbrook
	Brad Curtis
City Manager:	Edward Broussard
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Airport Director:	Stephen Thompson
Interim Main Street Director:	Amber Rojas
Managing Director:	ReNissa Wade
Chief Financial Officer:	Keidric Trimble
Compliance Engineer:	Paul Neuhaus
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Interim Utilities Director:	Doug Box
Planning Director:	Kyle Kingma
Director of Solid Waste, Transit:	Leroy Sparrow
Interim City Engineer:	Jacob Walker, HDR
Project Engineer:	Tiffany Currie
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Rabi Neal Katz.

**MINUTES**

Motion by Councilmember Westbrook to approve the May 26, 2021 minutes; seconded by Councilmember Curtis; motion carried 7 - 0 & approved as presented.

**HEARING**

- H-1** Request that the City Council consider holding the final public hearing to obtain citizen input on the Community Development Block Grant (CDBG) 2021 Annual Action Plan.

Mayor Warren opened the public hearing up at 9:08 am for citizens comments.  
Mayor Warren closed the public hearing at 9:08 am with no one coming forward to speak.

## **RESOLUTION**

- R-1** Request that the City Council consider ratifying and authorizing the filing of the application for and the acceptance of the Coronavirus State and Local Fiscal Recovery Funds, including authorizing the City Manager to take all actions necessary to accept and use the grant funding in connection with the application and to provide additional information as may be required. (R-2021-37)

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

- R-2** Request that the City Council consider adopting a Resolution to authorize the City Manager to execute an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for the construction of Phase II of the Legacy Trail Project. (R-2021-38)

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

## **ORDINANCE**

- O-1** Request that the City Council consider adopting an Ordinance authorizing acceptance of the Texas Historical Commission Certified Local Government Grant Contract number TX-21-009 in the amount of \$13,600.00 for the purpose of funding the Downtown National Historic District Nomination and authorizing the City's local match in the amount of \$13,600.00. (O-2021-66)

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

## **MISCELLANEOUS**

- M-1** Request that the City Council receive a presentation and consider adoption of a Resolution adopting the final draft of the 2021 Transit Route Study. (R-2021-39)

**Andrea Ostrodka and Jared Draper, Toole Design** – Gave a brief presentation concerning the Tyler Transit Route Study.

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

**M-2 Request that the City Council consider authorizing the City Manager to execute a contract with Garrett and Associates, for the construction of the Renovation of Fire Department Headquarters project in the amount of \$1,221,000.00.**

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

**M-3 Request that the City Council consider accepting the annual review of the City of Tyler tax abatements regarding Estes McClure, Fresenius, Hiland Dairy, Homeland Title, and Trane.**

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

**M-4 Request that City Council consider authorizing the City Manager to approve Change Order No. 1 to the construction contract for the 2021 Asphalt Enhancement project in the amount of \$449,927.97.**

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

**M-5 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2021 Community Development Block Grant (CDBG) Sidewalk Improvements project to C.E. Marler and Associates in the amount of \$134,317.00.**

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

**M-6 Request that the City Council consider authorizing the City Manager to execute a contract with Crown Civil Construction for the 2021 Utility Cut Brick Street Repair project in the amount of \$99,994.00.**

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

**M-7 Request that the City Council consider authorizing the City Manager to execute a contract with Vortex Services in the amount of \$97,731.79 for the Lift Station Repair and Coating and Manhole Rehabilitation BuyBoard project.**

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

**M-8 Request that the City Council consider approving \$200,946.69 to be paid to Reynolds and Kay, LTD. for the completed emergency repair of a 30" sanitary sewer line, manhole replacement, manhole rehabilitation, sewer line rehabilitation, and access road, to be paid out of operating funds.**

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

- M-9 Request that the City Council consider authorizing the City Manager to execute a contract with AAA Sanitation, Inc in the amount of \$287,855.00 for the Force Main & Air Relief Valves (ARV) Program, Standard Bid 21-047.**

Motion by Councilmember McGee; 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 with C & A Construction, LLC in the amount of \$263,678.05 for the Type D Sewer Creek Crossing Replacement, Bid 21-049.**

Motion by Mayor Pro Tem McKeller; 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 with SAK Construction, LLC in the amount of \$11,972,921.00 for the Black Fork Creek Outfall Sewer Cast in Place Pipe (CIPP), Standard Bid 21-035.**

Motion by Councilmember Westbrook; seconded by Mayor Pro Tem McKeller; 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 ratifying the construction contract with Stripe-A-Zone, Inc. for the construction of the Tyler Bike Stripes project in the amount of \$544,531.37.**
- C-A-2 Request that the City Council consider approving the final acceptance and release of retainage in the amount of \$16,124.95 for a final contract amount of \$322,499.00 to Morton Enterprise for the 2021 Asphalt Crack Seal Project.**
- C-A-3 Request that the City Council consider approving the final acceptance and release of retainage in the amount of \$35,533.17 for a final contract amount of \$710,663.40 to Reynolds & Kay, Ltd. for the Bascom Road Water Line project.**
- C-A-4 Request that the City Council consider ratifying staff action in executing Change Order No. 1 with Heritage Constructors, Inc. in an amount not to exceed \$181,118.53 for the Golden Road Water Treatment Plant Filters 5-8 Rehabilitation and Caustic Feed System project.**
- C-A-5 Request that the City Council consider approving a re-plat of Lots 92 and 93, East Shores Estates Unit 3, located on Lake Tyler East.**
- C-A-6 Request that the City Council consider authorizing the City Manager to execute the proposed Third Amendment to an Interlocal Agreement for the acquisition of the abandoned Union Pacific (UP) right of way corridor that has been negotiated between the City of Tyler, North East Texas Regional Mobility Authority, Smith County, The**

**City of Troup and the Tyler Economic Development Council, for the addition of the City of Whitehouse as a party to the agreement and to extend the deadline to enter into a final purchase agreement with Union Pacific to December 31, 2021.**

- C-A-7 Request that the City Council consider authorizing the City Manager to award Tyler Bid No. 21-037 to OshKosh Airport Products for the Aircraft Rescue and Firefighting Vehicle Project at Tyler Pounds Regional Airport in the amount not to exceed \$878,175.00.**
- C-A-8 Request that the City Council consider authorizing the City Manager to award a contract in the amount of \$109,872.09 to AVCO Roofing Inc. for roof demolition and roof replacement and restorative coating at the new Police Crime Scene Investigator (CSI) Complex.**

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

### **CITY MANAGER'S REPORT**

- 1.** Sales tax figures available from the Texas Comptrollers' website indicate our Sales Tax revenues to be deposited Monday, July 12, 2021, are \$4,363,388.59. This compares to revenues of \$4,263,806.80 for the same period last year. The actual increase for the month compared to same month last year was 2.34%. This compares to a statewide monthly average 18.98% increase in sales tax revenue collections for cities. This month's deposit is reflective of sales taxes collected in May 2021. As a point of comparison with last year, the City received a large audit correction with the July 2020 sales tax deposit. With the audit correction discounted in comparisons with the July 2020 and July 2021 deposit, the increase would have been over 20%.
- 2.** Congratulations to our Airport, Police Department and Fire Departments for their assistance as well for the air show that was conducted at the Tyler Pounds Field Airport on July 2nd. Our team worked very well with the air show operators and we are very proud of it with it just being our first year.
- 3.** Our annual 4th of July celebration we had at Lindsey Park was also an incredible success. We had over 5000 people that attended the firework show and were able to give at least 300 people a ride using transit and so our community truly did enjoy the opportunity to celebrate the 4<sup>th</sup> of July.
- 4.** We have offered the job of the Tyler Water Utilities Director to Kate Dietz and she accepted the position.

**EXECUTIVE SESSION** – City Council convened into executive session at 10:16 am.

Executive Session Item No. 1:

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:

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

- a. Pending or contemplated litigation involving East Texas Municipal Utility District Municipal Utility District (MUD) of Smith County, the City of Tyler, and the University of Texas Health Science Center at Tyler; and
- b. Pending or contemplated litigation involving Liberty Utilities Corp. v. City of Tyler.

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

City Council reconvened from executive session at 11:14 am with no action taken.

**ADJOURNMENT**

Motion by Mayor Pro Tem McKeller to adjourn the meeting at 11:14 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**

