

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
March 23, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 23, 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:	Shirley McKellar
Councilmembers:	Stuart Hene James Wynne Broderick McGee Bob Westbrook Brad Curtis
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	April Earley
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Planning Manager:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
City Engineer:	Darren Jennings
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Interim Utilities Director:	Doug Box
Director of Solid Waste, Transit:	Leroy Sparrow
Water Business Office Manager:	Jim Yanker
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem McKellar

**MINUTES**

Motion by Councilmember Westbrook to approve the February 23, 2022 minutes; seconded by Councilmember Curtis; motion carried 7 - 0 & approved as presented.

**AWARDS**

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**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 40 years of service with the City of Tyler.**

Shirlene Black, Customer Service Supervisor, 20 years of service  
Horacio Ortega, Semi-Skilled Laborer, 20 years of service

**ZONING**

- Z-1 PD22-002 RHP REAL ESTATE LTD ETAL (3035 HIGHWAY 31 EAST)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "C-1", Light Commercial District to "R-MF", Multi-Family Residential District. (O-2022-22)**
- Motion by Councilmember Wynne; seconded by Mayor Pro Tem McKellar; motion carried 7 - 0 & approved as presented.
- Z-2 Z22-005 PLEASANT GROVE BAPTIST CHURCH (400 MCMURREY DRIVE)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "R-2", Two-Family Residential District to "C-1", Light Commercial District. (O-2022-23)**
- Motion by Mayor Pro Tem McKellar; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.
- Z-3 Z22-004 AGUILAR EVELYN ZARATE (428 WEST BOW STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1D", Single-Family Detached and Attached Residential District to "R-2", Two-Family Residential District. (O-2022-24)**
- Motion by Councilmember McGee; seconded by Councilmember Curtis; motion carried 7 - 0 & approved as presented.
- Z-4 Z22-001 RHP REAL ESTATE (4.56 ACRES OF LAND ON GLASCOW ROAD)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "C-2", General Commercial District to "R-MF", Multi-Family Residential District. (O-2022-25)**
- Motion by Councilmember Wynne; seconded by Councilmember Westbrook; motion carried 7 - 0 & approved as presented.
- Z-5 Z22-010 NORTHCHASE DEVELOPMENT LLC (6.30 ACRES OF LAND AT COUNTY ROAD 35 AND EAST NORTHEAST LOOP 323)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from "AG", Agricultural District to "R-1B", Single-Family Residential District. (O-2022-26)**

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

- Z-6 Z22-002 MASTERS KAITLYN (303 WEST HOUSTON STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from “R-MF”, Multi-Family Residential District to “AR”, Adaptive Reuse District. (O-2022-27)**

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

- Z-7 S22-002 LASATER CECIL ETAL (4500 SOUTH BROADWAY AVENUE)**  
**Request that the City Council consider adoption of an Ordinance approving the Special Use Permit to reduce the required 300 feet distance separation from the property line of French Quarter Shopping Center and a public school to 60 feet in order to be eligible for a Texas Alcoholic Beverage Commission license to sell wine and beer. (O-2022-28)**

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

- Z-8 Request that the City Council consider adoption of an Ordinance providing for the voluntary annexation of approximately 32.78 acres of land lying adjacent to the present boundary limits of the City of Tyler located west of the northwest intersection of U.S. Highway 69 North and Old Ranch Road. Also, consider recommending:**
- A. The new boundary of the City Limits.**
  - B. The new boundary of the City Council District #3.**
  - C. The new boundary of the Tyler Extraterritorial Jurisdiction.**
  - D. That the City Manager be authorized to sign a written agreement for provision of City services per Texas Local Government Code Section 43.0672.**
  - E. Amendment of the Future Land Use Guide to reflect Single-Family Medium/High Density and Townhouse/Garden Apartment and General Commercial.**
  - F. Establishment of Original zoning of 32.78 acres of “R-1D”, Single-Family Detached and Attached Residential District, “PMF”, Planned Multi-Family District with a final site narrative and “C-2”, General Commercial District. (O-2022-29)**

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

- Z-9 Z22-003 FRANCIS LEROY SENIOR (1461 AND 1465 NORTH BORDER AVENUE)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1D”, Single-Family Detached and Attached Residential District and “R-2”, Two-Family Residential District to “C-1”, Light Commercial District. (O-2022-30)**

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

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- Z-10      Z22-008 AMERITEX HOMES LLC (1317 AND 1319 CLAUDE STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from “R-MF”, Multi-Family Residential District to “R-1B”, Single-Family Residential District. (O-2022-31)**
- Motion by Councilmember McGee; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.
- Z-11      Z22-009 AMERITEX HOMES LLC (1106 AND 1116 PARK STREET)**  
**Request that the City Council consider adoption of an Ordinance approving a zone change from “R-MF”, Multi-Family Residential District to “R-1B”, Single-Family Residential District. (O-2022-32)**
- Motion by Councilmember McGee; seconded by Councilmember Curtis; motion carried 7 - 0 & approved as presented.
- Z-12      C21-015 GAUNA RICARDO (IMPROVED ALLEY RIGHT-OF-WAY)**  
**Request that the City Council consider adoption of an Ordinance approving the closure of an improved alley right-of-way east of the railroad tracks between E. Front Street and Noble Street.**
- Rosalinda Gauna 1520 E Locust St.** – Requested that the City Council close the alley.
- Motion by Councilmember Wynne to deny the alley closure; seconded by Councilmember McGee; motion carried 7 - 0 & denied as presented.
- Z-13      Z22-007 C AND M MEATS INC (2205 JONES STREET AND 2300 EAST FRONT STREET)** Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1B”, Single-Family Residential District and “C-1”, Light Commercial District to “PMF”, Planned Multi-Family District with final site plan.
- Motion by Mayor Pro Tem McKellar to table item for 30 days; seconded by Councilmember Westbrook; motion carried 7 - 0 & table for 30 days.
- Z-14      C22-001 C AND M MEATS INC (PORTIONS OF EPPERSON AVENUE AND MAGGIE STREET)** Request that the City Council consider adoption of an Ordinance approving the closure of unimproved portions of Epperson Avenue and Maggie Street.
- Motion by Mayor Pro Tem McKellar to table item for 30 days; seconded by Councilmember Westbrook; motion carried 7 - 0 & table for 30 days.

**PRESENTATION**

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**P-1 Request that the City Council consider hearing a presentation and approving the Annual Comprehensive Financial Report for the fiscal year ending on September 30, 2021 as presented by Prothro, Wilhelmi, & Co.**

**Walter Wilhelmi and AJ Evans, Prothro, Wilhelmi & Co.** - Gave a brief financial statement and independent auditors report.

**Lorraine Griffith Johnson, 16005 48<sup>th</sup> Ave, Plymouth Minnesota** – Ms. Johnson asked 3 questions regarding the City’s audit:

1. How many years has this firm conducted the audit consecutively?
2. How often is the city required to change auditors, what is the policy there?
3. In terms of the funding and excess of funding when the government funds are audited. What is taken into consideration in terms of any outstanding issues relative to those funds? If there are outstanding issues relative to city properties or behavior conducted on behalf of the City. How are those resolved within these budgets? Particularly the federal budget.

**Lauren Justice, Accounting Manager-** Responded that this is the 2nd year that this audit company has performed the City’s audit, and the City rotates its RFP and selection for audit services every 5 years.

**Edward Broussard, City Manager** – Stated that the federal funds, our grants that are provided to the city, primarily, you see it through the housing and urban development. The grants that we receive go to Neighborhood Services. Home funds and Community Development Block Grant (CDBG) funds are audited every year and it comes through as you have been reported, a clean audit. Other grants that we receive from the federal level will be having an audit component. You will see increased audit next time around just because of the American Rescue Plan Act (ARPA), Cares Act Funds that we’ve been receiving. Any city property questions or issues that might be out there would be noted as liabilities if they are issues that have to be cited.

Ms. Johnson replied that there is an outstanding liability where the city tore down the wrong property of her mothers at 1204 Connally.

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

**P-2 Request that the City Council consider hearing a presentation regarding the NewGen Strategies & Solutions water and wastewater rate study.**

**Chris Eckert and Kim Bostic, NewGen Strategies & Solutions** – Gave a presentation on the water and wastewater rate study.

## **MISCELLANEOUS**

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- M-1 Request that the City Council consider authorizing the City Manager to execute a contract with C&A Construction, LLC in the amount of \$2,598,973.72 for the Capacity Work Group 1 Implementation Sewer Sites 8b1 Improvements, Standard Bid 22-012.**

Motion by Councilmember McGee; seconded by Mayor Pro Tem 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 declare and approve the Tyler Police Department's training fuel pump simulators as surplus and authorize the donation of the same to the Texas Financial Crimes Intelligence Center for use in continued financial fraud training.**
- C-A-2 Request that the City Council consider adopting a Resolution to authorize continued participation by the City of Tyler with the Steering Committee of Cities Served by Oncor and authorize the annual assessment payment of ten cents (\$0.10) per capita to the Steering Committee. (R-2022- 17)**
- C-A-3 Request that the City Council consider authorizing the City Manager to ratify an expenditure in the amount of \$135,357.00 for all work performed in the emergency replacement of Raw Water Pump No. 1 wiring and conduit, located at the Lake Tyler Raw Water Pump Station.**
- C-A-4 Request that the City Council consider authorizing the City Manager to ratify a reconciliation change order that will increase the contract amount by \$12,050.00 and the release of final retainage payment in the amount of \$29,990.50 to AAA Sanitation, Inc. for the Consent Decree Force Main & Air Relief Valves Program Standard Bid, 21-047.**
- C-A-5 Request that the City Council consider authorizing the City Manager to award Bid No. 22-019 for Hidden Palace Subdivision Home Sales to Cider Properties to sell eleven homes and furnish all necessary materials and labor for a total not to exceed \$70,000 from the Community Development Block Grant - HOME Funds.**

Motion by Councilmember Curtis to approve the entire consent agenda; seconded by Councilmember Wynne; motion carried 7 – 0 & approved as presented.

**CITY MANAGER'S REPORT**

- 1. Sister City Program Outreach:** Mayor Warren has been asked to assist Tyler Sister Cities Program with relief effort fundraising for our sister city Jelenia Gora, Poland. The city of Jelenia Gora is approximately 30 miles from the Ukrainian border, and they have reached out to the Tyler Sister City Program for assistance in working with the refugees streaming

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into their community. Tyler and Jelenia Gora have been sister cities for over 30 years. We are setting up a conference call for Mayor Warren and Mayor Jerzy Łuzniak for Wednesday morning to provide an opportunity to learn more about the refugee status, how our sister city is handling this crisis, and what we as the Tyler community can do to help. We'll have both a private conversation for the two mayors and then a conversation for the media to watch and take part in.

- 2. Traffic Operations:** – School Zone Beacon System: We had a time change this past weekend and we just wanted to highlight and not take for granted the upgrades to our school beacon system. Our connected school zone beacons automatically updated to the time change without staff having to make modifications. Prior to our system which was implemented in the Fall of 2020, our Traffic Signal Technicians had to go to each school zone beacon (72 locations) and physically update the clocks. This was a time consuming and time intensive process and sometimes took the better part of week. Our new system is continuing to save time, allow staff to be more efficient, and providing consistent and safer conditions for the citizens of Tyler.
- 3. Rose Complex Conference Center Update:** At this time, there are no further delays with regard to construction other than the electrical panel. WRL continues to communicate the end of October as the finish date but are hopeful mid-October could happen. WRL is working to finish south parking lot next week as well as east parking lot near Civic Theatre and connector street by the end of April. Full enclosure of the building is about 2 months out. Fitzpatrick is working to complete plans for the Mayfair by end of March. This will allow for us to get an estimate from WRL and determine feasibility of existing budget and current construction pricing. Mayfair is currently budgeted as an allowance of \$1.5-2 million.
- 4. Patrol at Lake Tyler:** Summer is here, and we are looking forward to a full season of lake patrols. This past weekend, extra boat patrol was conducted due to the numerous recent complaints as well as rumors of a large party in the afternoon (early evening). The lake was busy with many boaters and others enjoying the park areas. Officers issued several water safety related warnings to boaters. Officers gave "Party Cove" and the parks most of the attention which led to folks quickly figuring out their disruptive acts would not be tolerated. Many additional educational / informative contacts were made as well. The Marina and Boulders owners expressed their gratitude because the police presence seemed to really make a difference. They, along with several citizens, requested more patrols as the days become warmer.

## ADJOURNMENT

Motion by Mayor Pro Tem McKellar to adjourn the meeting at 10:45 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

