

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
May 11, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 11, 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(absent) |
|   | Brad Curtis           |
| City Manager:                           | Edward Broussard      |
| Deputy City Manager:                    | Stephanie Franklin    |
| City Attorney:                          | Deborah G. Pullum     |
| Senior Asst. City Attorney:             | April Earley          |
| Director of Organizational Development: | Regina Y. Moss        |
| Airport Manager:                        | Stephen Thompson      |
| Planning Manager:                       | Kyle Kingma           |
| Chief Information Officer:              | Benny Yazdanpanahi    |
| City Fire Chief:                        | David Coble           |
| Police Chief:                           | Jimmy Toler           |
| City Engineer:                          | Darin Jennings        |
| Traffic Engineer:                       | Cameron Williams      |
| Parks Director:                         | Leanne Robinette      |
| Director of Solid Waste, Transit:       | Leroy Sparrow         |
| City Clerk:                             | Cassandra Brager      |

**INVOCATION**

The Invocation was given by Councilmember Curtis.

**MINUTES**

Motion by Mayor Pro Tem McKellar to approve the April 13, 2022 minutes; seconded by Councilmember Wynne; motion carried 6 - 0 & approved as presented.

**ELECTION**

**E-1** Request that a Certificate of Election and the Oath of Office be administered to the re-elected Mayor at Large and the City Councilmembers for Districts 2,4 and 6, Tyler City Council.

Judge Huggler administered the oath office to the reelected Mayor at Large, Don Warren and the City Councilmembers for District 2, Broderick McGee, District 4, James Wynne and District 6, Brad Curtis for Tyler City Council.

**E-2** Request that the City Council consider electing a Mayor Pro Tem.

May 11, 2022

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

**ORDINANCE**

- O-1 Request that the City Council consider adoption of an ordinance amending and updating City Code Chapter 12 for adjustments to land rental rates for areas surrounding the North Terminal Site at Tyler Pounds Regional Airport. (O-2022-51)**

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

- O-2 Request that the City Council consider adoption of an ordinance amending and updating City Code Chapter 12 by revising and updating regulations prohibiting hunting on and over airport property at Tyler Pounds Regional Airport. (O-2022-52)**

Motion by Councilmember Curtis; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

**MISCELLANEOUS**

- M-1 Request that the City Council consider authorizing the City Manager to award NDMJ Management LLC. RFP 22-009 for Management of the Tyler Transit System in the amount of \$253,600 per year with an initial startup cost of \$7,700. (Item Pulled)**

- M-2 The City of Tyler Engineering Department requests that the City Council consider authorizing the City Manager to execute a Professional Services Consulting contract with the C.T. Brannon Corporation for the design, bidding, and construction phases, as they relate to the South Thompson Avenue and Barger Street Paving and Drainage Improvements project, for a cost, not to exceed \$80,200.**

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

- M-3 Request that the City Council consider authorizing the City Manager to award Bid No. 22-010 for Noble E. Young Park renovations to Civil Crown Construction to furnish all necessary materials, equipment, superintendence, and labor in an amount not to exceed \$539,010.00.**

Motion by Councilmember McGee; seconded by Councilmember Curtis; 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 2022 Asphalt Enhancement Project in the amount of \$3,301,084.71.**

May 11, 2022

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

- M-5 Request that the City Council consider authorizing the City Manager to execute a preliminary engineering contract with Halff Associates, Inc. in the amount of \$397,796.00 for the Shiloh Road Improvements and Widening preliminary engineering report.**

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

- M-6 Request that the City Council consider authorizing the City Manager to execute a contract with C & A Construction, LLC in the amount of \$4,796,350.95 for the Consent Decree Group 4 Traditional Mainline Bid 22-015.**

Motion by Councilmember McGee; seconded by Councilmember Curtis; motion carried 6 - 0 & approved as presented.

- M-7 Request that the City Council consider authorizing the City Manager to execute a contract with Lopez Utilities Contractor, LLC in the amount of \$469,815.00 for the Consent Decree Group 4 Traditional Manhole Bid 22-017.**

Motion by Councilmember 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 Fire Training Structures, LLC in the amount of \$64,971.00 for the purchase of a Fire Class A Portable Burn Structure pursuant to RFQ 22-029.**

Motion by Councilmember McKellar; seconded by Councilmember McGee; 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 approving the acceptance of funds totaling \$16,345 from the Texas Parks and Wildlife Department (TPWD) for a Community Outdoor Outreach Program (CO-OP) Grant and authorizing the City Manager or designee to take all actions needed to receive and expend grant funds.**

- C-A-2 Request that the City Council consider adopting a Resolution to authorize the application for and acceptance of Federal Transit Administration (FTA) 5339 Bus and Bus Facilities Grant in the amount of \$218,445 along with the acceptance of \$43,689 in Transportation Development Credits (TDC). This Resolution also accepts any grant amendments and additional TDCs to increase the grant funding levels and reduce the local match requirements.**

May 11, 2022

- C-A-3 Request that the City Council consider approving final payment and releasing retainage in the amount of \$16,713.49 to Reynolds and Kay, LTD, for the 2021 Asphalt Enhancement Project.**
- C-A-4 Request that the City Council consider approving final payment and retainage to National Industrial Maintenance, for the 2022 Asphalt Crack Seal Project.**
- C-A-5 Request that the City Council consider authorizing the City Manager to extend the first of three (3) one-year extensions of the annual price agreements to D.E.A.A. Corporation and Cactus Abatement & Demolition for substandard structures demolition program through Community Development Block Grant Funds.**
- C-A-6 Request that the City Council consider authorizing the City Manager to execute a new Airport Food Concessions Lease with Brandon Jeffery, Mile High Eatery and approve the sale of beer and wine in the Commercial Terminal Building at Tyler Pounds Regional Airport.**

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

**CITY MANAGER’S REPORT**

- 1. Glass Recreation Center Next Step Community Solutions partnered with local artist Dace Kidd to create a brightly colored mural that incorporates encouraging messages on the building that was unveiled during May’s Mental Health Awareness Month.
- 2. Fire: The TFD received their new portable radios and new mobile units for all apparatus. Training was conducted prior to their deployment into the field. This was a much-needed upgrade as the older Motorola radios had reached their end of service life. The City of Tyler leadership work with the key leaders from Fire, Police, IT, and other departments to procure these radios for emergency services. We are grateful that we are in a city that supports its emergency responders without question. These radios and supporting equipment cost well over 1.6 million dollars. This purchase will give the City of Tyler’s first responders enhanced and reliable communications for years to come.
- 3. Fritz Hager III run on American Idol may have come to an end, but all of Tyler, TX and East Texas is certainly proud of what Fritz Hager III was able to accomplish during his time on the show. And we're excited to see what the future holds for him. Hager's Top 5 finish is something we'll be talking about for a while, and even though he was eliminated after last Sunday’s vote. Fritz is set to play his first concert post-American Idol at True Vine Brewing Company coming up on Friday, May 27th at 7 p.m. Admission to the event is free, but they are offering a limited number of VIP tables for reservation at \$300 each. True Vine Brewing Company is located 2453 Earl Campbell Parkway in Tyler.

**EXECUTIVE SESSION** – City council convened into executive session at 9:44 am

**May 11, 2022**

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

1. Pending or contemplated litigation or settlement offer involving Liberty Utilities (Tall Timbers) and Liberty Utilities (Woodmark) Sewer Corp vs. City of Tyler, Texas, and Rose City Municipal Utility District
2. Pending or contemplated litigation or settlement offer involving Lesley Renee Ortiz v. City of Tyler and Farmers Texas County Mutual Insurance Company.

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

City Council reconvened from executive session at 10:32 am

Motion by Councilmember Curtis to approve the settlement agreement offer involving Lesley Renee Ortiz v. City of Tyler; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

**ADJOURNMENT**

Motion by Councilmember McKellar to adjourn the meeting at 10:33 am; seconded by Councilmember McGee; motion carried 6 - 0 & meeting adjourned.

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

A T T E S T:

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CASSANDRA BRAGER, CITY CLERK