

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
February 8, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 8, 2023 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
Deputy City Manager:	Stephanie Franklin
Asst. City Manager:	Heather Nick
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
Airport Manager:	Stephen Thompson
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Compliance Engineer:	Paul Neuhaus
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Director of Utilities:	Kate Dietz
Director of Solid Waste, Transit:	Leroy Sparrow
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Westbrook.

**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 January 11, 2023.**

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

**PRESENTATION**

**P-1 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2021-2022 Budget document from the Government Finance Officers Association of the United States and Canada.**

**HEARING**

- H-1 Request that the City Council consider conducting a public hearing and consider adoption of an Ordinance amending Tyler City Code Chapter 4 relating to renewal of the juvenile curfew ordinance. (O-2023-12)**

City Council went into a public hearing at 9:05:034 am and no one came forward to speak so the public hearing was closed at 9:05:37 am.

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

- H-2 Request that the City Council consider conducting a public hearing for citizen participation and then approve the Substantial Amendment to the CDBG FY 2022-2023 Annual Action Plan and the HOME FY 2021-2022 ARP Allocation Plan. (O-2023-13)**

City Council went into a public hearing at 9:11:049 am and no one came forward to speak so the public hearing was closed at 9:11:53 am.

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

**RESOLUTION**

- R-1 Request that the City Council consider adoption of a Resolution authorizing the City Manager, on behalf of the Tyler Police Department, to seek funding from the Department of Justice through the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$47,116.95 to fund the purchase of fifteen (15) GETAC A140 tablets with adaptors. (R-2023-4)**

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

- R-2 Request that the City Council consider adoption of a Resolution authorizing the application and acceptance of grant funding from the Office of the Governor, Homeland Security Grants Division, in the amount not to exceed \$46,800 for the purchase of one (1) mobile Pro Systems security camera trailer for the Police Department. (R-2023-5)**

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

**ORDINANCE**

- O-1 Request that the City Council consider the adoption of an ordinance amending and updating Tyler City Code Chapter 3, Personnel / Civil Service / TMRS, regarding Seniority Pay, for police officers of the Tyler Police Department. (O-2023-14)**

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

**MISCELLANEOUS**

- M-1 Request that the City Council consider authorizing the City Manager to execute a contract with King Solution Services, LLC in the amount of \$4,671,386.00 for the Consent Decree Group 5 Pipeburst, Bid 23-016 and to adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-6)**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a Capital Improvement Project (CIP) construction contract with Insituform Technologies, LLC for the CIPP Drainage Improvements, Half Cent Project, for \$1,046,175.00, BuyBoard Contract 635-21, pending approval by the Half Cent Sales Tax Board.**

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

- M-3 Request that the City Council consider the adoption of a Resolution nominating Delek Refining for award of a State of Texas Enterprise Zone Project designation. (R-2023-7)**

Motion by Mayor Pro Tem Wynne; seconded by Councilmember 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 purchase one (1) new International chassis through Buyboard contract 601-19 from Southwest International for \$58,473.28.**
- C-A-2 Request that the City Council consider authorizing the City Manager to declare certain City of Tyler vehicles as surplus and ready to be auctioned.**
- C-A-3 Request that the City Council consider approving the 2022 Certified Property Tax Roll.**
- C-A-4 Request that the City Council consider accepting a donation made to the Fire Department in the amount of \$50,000.00 from an anonymous donor.**

February 8, 2023

- C-A-5** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will reduce the contract amount by \$197,357.41 and the release of final retainage payment in the amount of \$66,016.88 to J2 Construction Services, LLC Consent Decree Capacity Work Group 1 Implementation Sewer Sites 7a2, 7b1, and 7b2 Improvements, Bid Number 22-011.
- C-A-6** Request that the City Council consider adoption of a Resolution calling an election for May 6, 2023, to fill the offices of the Tyler City Council Members for Single Member District Numbers 1, 3 and 5 on the Tyler City Council and calling for a joint election with Smith County. **(R-2023-8)**
- C-A-7** Request that the City Council consider authorizing the City Manager to execute an Interlocal Elections Contract with Smith County to perform certain joint elections services for the City Council Election to be held May 6, 2023.
- C-A-8** Request that the City Council consider authorizing the City Manager to approve payment to AAA Sanitation, INC. in the amount of \$147,171.60 for the emergency work to repair an 8" sanitary sewer line at the intersection of Rice Rd and Old Bullard.

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

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

City Manager stated that his report would primarily be focused on the work and the cleanup that's occurred from the winter storm that we all experienced last week. That was an unprecedented ice storm that impacted Tyler's residents and business and we're extremely proud of how our City Staff was able to jump in there and take care of it. We've obviously had some experience now with snow and ice and our crews knew what to do and they got out there and did incredible work in relation to that. The Streets Department estimates they will spend about two weeks for cleanup, but the amount they were out there beginning Tuesday putting down deicer on the roadways in order to make sure that they were passable and that reduced the amount of accidents significantly by their continuation of that Tuesday, Wednesday, and into Thursday morning in order to keep those roadways open for Oncor, for our hospitals, and for other emergency services. We bought a number of generators in the past for our traffic signals and because of all the continued power outages, that became a crucial thing to coordinate and make sure we got generators out to each of the traffic signals as we could as they would go out. As those came back into service, removing those generators and moving them to the next spot as needed. And so, Streets was able to keep that going also had crews from Parks as well join in with them. They received 453 reports of limbs and trees blocking roadways and they've been working around the clock to repair those. They've currently been able to complete 338 of those tickets including cutting of trees, removing, and stacking the wood and clearing the wood and debris from those areas. With that, we also put in a request for the Texas Forestry Service and they sent a crew to Tyler to assist us with tree cutting on Wednesday, kind of that morning, afternoon period, they came in and were able to add to our crews to be able to go out there and continue with getting the trees and limbs, clearing the right-of-way, making it to where Oncor could be able to get in there to do their repair and services as needed. One of the things that we've been asked already because of now all the trees and brush damage, we will begin tomorrow for people who have called in begin free brush pickup throughout the city. We expect

February 8, 2023

this will take a couple of weeks. Leroy Sparrow has already been looking at hiring private contractors to assist with our solid waste crews to be able to move this along in a faster respect just because of the severe amount as far as brush, limbs, and trees that are having to be put at curbs for pickup. Also, Tyler Water Utilities was able to keep water flowing and solid waste treated even though there were a couple of plants that had some outages, but because of the work with Oncor and their continuation of being able to backup--was able to kind of keep things without any type of pressure issues, any concern about water or especially on the waste water treatment plant side of that becoming an issue or environmental hazard. And so, we were able to make it through that very well. Obviously, if you've been around some of our different parks, you've seen the impact and damage of that. Bergfeld Park continues to have quite a bit of damage and we will clean that up, but there were numerous other parks. The Good Museum as well had damage. Rose Hill Cemetery is also another that we're continuing the cleanup on. And so, we were able to open up use of the Tyler Public Library and the Service Center and the Glass Recreation Center as needed for warming stations for the public if they needed to be able to use those. I don't believe we had anyone that did go to those, but we did open those up to the public as needed. Also, Tom Trimble, as I mentioned earlier about Oncor, he did an incredible job in keeping coordinated with us and never breaking down. We were very proud to have them as partner, Oncor, and I think he is here and I'm going to give him an opportunity in my report to give you all a little briefing on Oncors perspective of this ice storm and the work that they did.

**Tom Trimble, Oncor**- Stated that he just wanted to come and give his heartfelt thank you to the Mayor and Council for all that you all did for us during the storm. Ed and his leadership--I called him a lot during the storm and then, especially, the City Staff. I echo what you said. It was amazing to see how much work they did out there between the Streets Department, the Police, and the Fire, how much they helped our folks out trying to get the power back on to the customers as soon as possible and safely. Everybody through this whole ice storm worked extremely safely and I can't thank you all enough for the words of encouragement that each and every one of you sent not only for me, but for our workers. I truly appreciated it, it was needed at the time and when I shared it with everybody, they really appreciated it, so thank you all so much. Thank you to your staff and I just want to say thanks. That's it.

**Mayor Pro Tem Wynne**- Stated that he would also like to thank Tom Trimble. Your ability to get in front of the press and the media and tell them what's going on. Being open--what work you all are doing--there are other vendors that are in our community that I've received and I imagine everybody at this dais receive countless calls about not getting any response, not getting information, pointing fingers. You didn't. You were standing there taking the questions and shame on the others that wouldn't do anything but hide behind a call center.

**Tom Trimble, Oncor**- Thank you very much and we had a lot of contractors coming in from as far out as Alabama. I think I talked to a customer that said that the crew that was on their job was from Kentucky. So, we had a lot of support from not only our neighboring communities, but also our neighboring states to help the City of Tyler get the power back on. So, it was a huge effort and not the least, the City doing what they did to help us get the power back on. Just seeing how quickly they mobilized to get the streets clear so we could get down there, making sure the streets were safe from ice so that we could get to those locations. County as well did a great job too, but I just wanted to make sure that you all knew how much we appreciate what you all do.

February 8, 2023

**EXECUTIVE SESSION** – City Council convened into executive session at 9:39 am

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 Tex. Gov't Code Section 551.074 "Personnel Matters" deliberation regarding the following: The employment, duties and evaluation of the City Manager.

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

City Council reconvened from executive session at 10:05 am with no action taken.

**ADJOURNMENT**

Motion by Councilmember McKellar to adjourn the meeting at 10:05 am; seconded by Councilmember Curtis; motion carried 7 - 0 & approved as presented.

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

**ATTEST:**

CASSANDRA BRAGER, CITY CLERK

