

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 22, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 22, 2023 at 9:00 a.m. in the City Council Chambers, 2nd 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
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	April Earley
Director of Organizational Development:	Regina Y. Moss
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Director of Utilities:	Kate Dietz
Interim Utilities Director:	Doug Box
Parks Director:	Leanne Robinette
Director of Solid Waste, Transit:	Leroy Sparrow
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Wynne.

MINUTES

Motion by Councilmember Westbrook to approve the January 25, 2023 minutes; seconded by Mayor Pro Tem Wynne; motion carried 7 – 0 & approved as presented.

ZONING

Z-1 C22-004 PEREZ SYLVIA & JOSE LOPEZ (AN UNIMPROVED STREET RIGHT-OF-WAY) Request that the City Council consider adoption of an Ordinance approving the closure of an unimproved portions of Roberts Avenue. (O-2023-15)

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

- Z-2** **Z22-076 TEXAS BANK (8720 OLD JACKSONVILLE HIGHWAY)**
Request that the City Council consider adoption of an Ordinance approving a zone change from "AG", Agricultural District to "C-1", Light Commercial District. (O-2023-16)

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

- Z-3** **Z22-075 NORTHCHASE DEVELOPMENT LLC (ON A 60.79 ACRE PORTION OF 3351 AND 3895 NORTH BROADWAY AVENUE)** Request that the City Council consider adoption of an Ordinance approving a zone change from "AG", Agricultural District to "C-1", Light Commercial District, "PMXD-1", Planned Mixed Use District with Narrative, and "R-1B", Single-Family Residential District. **(O-2023-17)**

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

- Z-4** **ZA23-001 UNIFIED DEVELOPMENT CODE (20 YEAR CITY LIMITS)** Request that the City Council consider approving an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 2002, is part of the City. **(O-2023-18)**

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

- Z-5** **Z23-001 NIX PROPERTIES LLC (4201 OLD OMEN ROAD)**
Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1A", Single-Family Residential District to "R-1D", Single-Family Detached and Attached Residential District, "R-MF", Multi-Family Residential District, and "C-2", General Commercial District. (O-2023-19)

John Nix, 1515 Jeff Davis Dr. – Stated that this is a tract of land they bought about 16 months ago and they've been working on design and planning and kind of how they want it to lay out and relate to the other properties in the area. There are three apartment complexes across the street on Old Omen there. Two Hampton's Complexes, one Summer Wood, and then, actually they have one of their town home developments behind Summer Wood to the east there as they are developing the east side of Old Omen Road there at the end as well. They have spent a lot of time making sure to create adequate buffers for about 340 feet is the closest from the single-family area and they're creating a single-family detached buffer in-between. They are making that a cul-de-sac so that will reduce traffic in that area next to the single-families.

Jill Weiler, 3995 Chapel Wood Boulevard. Stated that her main concerns with this development were mentioned, the infrastructure. Baskin Road is the only south exit out of this whole neighborhood. It's crumbling. It's falling apart. We keep adding more and more development and more and more traffic and that doesn't seem to be addressed. Water pressure has been an issue for years. We've been told that it's being looked into, but that

February 22, 2023

never seems to be addressed either. Another concern with this is we're moving from Single-Family to a "C-2", zoning that seems to be a little extreme given the neighborhood.

Robert Sampson, 628 Honeysuckle Hollow, South Lake Texas – Stated that he was the owner of the land to the west of this property, the entire west line there. He stated that he and his wife purchased 67 and a ½ acres there back in June of this year. They purchased the land to enjoy the outdoors and the wildlife out there with their children for the rest of their lives and their children could decide what to do with it when they're gone. Mr Sampson stated that when they were looking at multiple properties they went through all the factors of looking through the zoning, the infrastructure, which works into concern since they are mainly recreational property. He noticed this was zoned residential. He wouldn't want any development there, honestly, but residential is less destructive to the wildlife. Had he seen the zoning as being proposed for rezoning, he wouldn't have even looked into the property. It would've been off our radar and, in fact, since the Planning and Zoning Commission—his wife has been looking at other properties. But, he is just opposed because he bought it with a residential plan for there, which would still allow a lot of the nature wildlife to go through.

Mary Simpson, 4310 Stonebrook Lane – Stated that her property does adjoin there to the south. I'm just on the southwest side of the water easement that runs through there. To me, we're back at the same place that we were three plus or minus years ago. If you recall, I think some of you were on Council then, and we had opposed development of a senior housing or something like that that was on County Road 2120 and the issue back then--and our chambers were full at that time because somebody got wind of it. And I don't know, some of you may have been there, but it did create quite a concern in the neighborhood both for the neighborhood chapel woods and all in this area. And the issue then are the same now which was infrastructure first of all. County Road 2120 doesn't handle the traffic well now. It's not in good shape now and the water pressure issues in the neighborhood. The thought was then let's address infrastructure before we start adding in all the extra population. So, with that said, we've still got the same issues. I think the zoning is too generous in this case because on the second part, the middle part, yes, the proposed was a duplex. But, it's also open to apartments, which creates even more density for an area that's not ready to handle this, so, then, when you go down to the lower part, to the commercial. Again, the zoning is too generous for that neighborhood. The Nixes did say they were proposing maybe a strip off the building or something originally that was sent out to the neighbors and then storage was mentioned at that time. A possible gas station was also mentioned at that time. I don't have the issue with the residential, but it's again, the density, the infrastructure has not been addressed proactively.

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

Z-6

F22-160 WARRICK ESTATES, FINAL PLAT

Request that the City Council consider approving a four (4) lot subdivision containing approximately 4.64 acres of land located east of the intersection of County Road 2294 and Patricks Path and a variance to the extension of Patricks Path into the property.

February 22, 2023

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

RESOLUTION

- R-1 Request that the City Council consider adoption of a Resolution in support of various affordable housing tax credit project proposals and the approval of the waiver of development/permit fees in the amount of \$500 for each awarded project. (R-2023-9)**

Darren Smith, 8506 Carrie Lane, Rowlett, Tx. – Stated that he was here to represent public housing. Yes, this project was submitted last year. The Mayor and Council decided to go with a particular development because they wanted to have certainty relative to Longview. This is the highest scoring development in the region. They are responsible for the road on Copeland. The churches welcomed them as a neighbor, so Longview will challenge the two deals here. They were very conservative in their scoring and they still scored as the highest scoring build. So, Longview is a real challenge. He was comfortable with what they were doing. He just wants to be a good neighborhood in the community and want to continue to execute on this deal. So, you still get a bite in us at zoning if it's not something that you want to do. But, without a resolution of support, they are effectively done.

Alan Naul, 3899 Maple Ave., Dallas, Texas - . Stated that their project received support from City Council last year. They received their reward from Texas Department of Housing & Community Affairs. They bought the land and are working with the City right now on some road extension issues and utility issues. They really enjoyed working with us last year. And as they start looking, as you guys know, it's just a little bit more challenging to make everything work out in parts of towns that aren't quite as affluent. They feel like their existing project down at Cumberland and Old Jacksonville Highway will meet the needs of that area. It's about three miles away from the site on Grande. As mentioned, if Darren's project gets awarded or gets support, it'll beat their project. Their project will beat the one in Longview, so it's kind of down to three in this state. Their project has some challenges that they've been working through. It's a smaller site than they like. There's sewer lines running through there, so their engineers have come up with a good way to do it. There's a brand new sewer line that's just been finished, so it's an easy place to put the road and everything fits. They are for-profit, but really have a passion for all seniors and would love to get Council support on this because it really fits the need. The reason they are a little bit lower scoring is they have a higher poverty level than Longview does and that Grande does. Councilmember Westbrook opposed.

Motion by Councilmember Curtis to support the Glenwood Gardens project solely; seconded by Mayor Warren; motion carried 6 - 1 & approved as presented.

ORDINANCE

- O-1 Request that the City Council consider adoption of an Ordinance amending the Fiscal Year 2022-2023 Budget to provide funding to complete various Community Development Block Grant (CDBG), HOME and Housing Choice Voucher Program**

February 22, 2023

activities, Airport projects at Tyler Pounds Regional Airport, six (6) added positions for Water Utilities Fund that include four (4) Utility Account Servicers and two (2) Meter Repairmen, two (2) positions for Code Enforcement that include an Administrative Secretary and a Code Services Officer, and an amended budget for downtown improvements. **(O-2023-20)**

Motion by Councilmember McKellar; 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 Reynolds and Kay, LTD., for the construction of the 2023 Asphalt Enhancement Project in the amount of \$4,993,060.99.

Motion by Councilmember Curtis; seconded by Mayor Pro Tem Wynne; 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 twenty-nine (29) protective ballistic shields for police patrol vehicles for the City of Tyler Police Department from GT Distributors for a total cost of \$95,236.

Motion by Mayor Pro Tem Wynne to approve C-A-1; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

C-A-2 Request that the City Council consider authorizing the City Manager to approve payment to Reynolds & Kay, LTD in the amount of \$55,953.10 for the permanent asphalt patch at Old Bullard and Rice Rd following the emergency repair on the sanitary sewer line.

C-A-3 Request that the City Council consider authorizing the City Manager to purchase one (1) new International chassis through Buyboard contract HT-06-20 from Santex Truck Centers for \$392,691.00.

C-A-4 Request that the City Council consider authorizing the City Manager to purchase a mower for the Street Department from Lowe Tractor for \$13,581.57.

C-A-5 Request that the City Council consider authorizing the City Manager to ratify Change Order No. 1 with Reynolds and Kay, LTD for additional work on Balsam Gap and Flat Rock as part of the 2022 Asphalt Enhancement Program, increasing the total amount by \$124,442.50.

February 22, 2023

C-A-6 Request that the City Council consider authorizing the City Manager to pay Heartbeat Construction for the Emergency Repair at 3910 South Broadway Avenue West Mud Creek Trib C, in the amount of \$146,262.00.

Motion by Councilmember Westbrook to approve items C-A-2 through C-A-6 as presented; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. We recently implemented a Semi-Annual Preventative Maintenance Program for all intersection street lights throughout the City of Tyler. The Traffic Department began this process on Broadway and Staff has already repaired 27 street lights at the intersections along Broadway from Loop 323 to Market Square. This program is designed to improve public safety, security, and visibility for both motorists and pedestrians. Also, on the subject of traffic operations, on Friday evening, a motorist struck a traffic signal knocking it down at the intersection of Broadway and Reick Road. By Saturday, the traffic team had installed a temporary signal to keep traffic flowing. The new signal pole was installed Tuesday morning and the team immediately went to work installing cable signals and detection. The team was able to complete, install, and get the intersection fully open by 4:00 p.m. on Tuesday afternoon. We had a great job on David, Cody, Carl, and Jason of our traffic team.
2. And then, one of the actions that you all took a while back was on assisting the Police Department in getting a police academy started that we would run in house. And so, the Police Department is excited to take the next step in establishing the regional footprint in public safety training. The first academy class of the Tyler Police Department began last week. In fact, you may have all seen the cadets out there at our new facility between here and the police station. The initial class made up of 16 cadets. We're excited to have cadets from the Tyler Police Department, Longview Police Department, Smith County Sheriff's Office, and Jacksonville Police Department. Instructors throughout the department have updated lesson plans and necessary paperwork. It's been a long journey getting to this point. I want to thank everyone involved for their hard work and professionalism in getting this done.
3. And then, finally, we just celebrated Valentine's Day last week, but one of the things that I want to make mention of is our staff helping others celebrate that holiday as we had Animal Control Supervisor Mary Fowler, our ACO Jeff Hammerbaker, and Tyler Police Department Officer Kari Long went to Breckenridge Village and a Treating Dream facility. They passed out treat boxes to all the residents that lived there for Valentine's Day. They also went to the veterans' home on Highway 271 and dropped off Valentine's Day cards for them. All three organizations were so happy to see them and thanked them for their service. And so, we thank them for their efforts and positive impact that they're making in our community to celebrate joy and love where they can.

EXECUTIVE SESSION- City Council convened into executive session at 10:13 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:

February 22, 2023

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 10:31 am with the following action: Motion by Councilmember Westbrook to authorize the following amendments to the City Manager's employment contract. Number one, annual salary in the amount of \$273,000 to be applied on October 1, 2022[sic]. Item number two, deferred compensation deposit in the amount of \$26,500 plus all taxes that accrue on that amount to be paid on or about March 10, 2023. All other employment contract terms to remain the same; seconded by Councilmember Hene; motion carried 7-0; & motion approved.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:33 am; seconded by Mayor Pro Tem Wynne; motion carried 7 - 0 & meeting adjourned.

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

ATTEST:

CASSANDRA BRAGER, CITY CLERK

