

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
November 9, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 9, 2022 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
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
City Prosecutor:	James Craig
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Stephen Thompson
Interim Main Street Director:	Amber Rojas
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
City Librarian:	Ashley Taylor
Code Enforcement Manager:	Chris Lennon
Compliance Engineer:	Paul Neuhaus
Operations Manager of Neighborhood Services:	Prentice Butler
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Interim Utilities Director:	Doug Box
Parks Director:	Leanne Robinette
Director of Solid Waste, Transit:	Leroy Sparrow
Manager, Water Utilities System,	
Operation & Maintenance:	Tim Moore
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember McGee.

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Mayor Warren recognized the student council from Owens Elementary.

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 October 12, 2022.

Motion by Councilmember Westbrook to approve the October 12, 2022 minutes; seconded by Mayor Pro Tem Wynne; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 PD22-021 BELLWOOD 323 2019 LP (1471, 1531, 1699, 1757, 1801, 1847, AND 1873 SOUTH SOUTHWEST LOOP 323, AND 3752 AND 3753 EARL CAMPBELL PARKWAY) Request that the City Council consider adoption of an Ordinance approving a “PCD”, Planned Commercial District Final Site Plan. (O-2022-104)

Mayor Warren- Asked if Earl Campbell on the south side, this plat has nothing to do with the extension of Earl Campbell going through the property; it stops right where you see on the plat?

Kyle Kingma, Planning Director- Stated, “Right, where it's showing down on the lower left side of the site plan, that is still in alignment with the Concept Plan that was approved in 2008. So, that's not changing the alignment going west of that.

Mayor Pro Tem Wynne – Asked, looking at the plat, it appears that we'll have three additional curb cuts onto the Loop. You'll have the light at Earl Campbell, the light at Robertson and then three other ingress, egresses off the Loop. I don't think for a right turn out?

Kyle Kingma, Planning Director: Stated there are three driveways on the Loop south between Earl Campbell and Robertson and they have deceleration lanes to accommodate the movement off of the highway. There's only one median opening on the loop right there. It's right in the middle. The other ones would be, effectively, right in, right out because there's no other median openings. That one in the middle is not, at this time, showing to be a right in or right out.

Mayor Pro Tem Wynne- Stated that none on the north side of Robertson, which is going to be where the residential.

Kyle Kingma, Planning Director – Stated, right, no driveways on the north side. They will access Robertson Road or Whiteside Road.

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Chris Anderson, 10210 N Central, Dallas, TX. – Stated that he was with Provident Realty Advisors. They are the owners of the property and they were in attendance in case City Council had questions.

Mark Priestner, Halff Associates, 1121 ESE Loop – Stated that he just wanted to point out a couple of things. There's a backer road that connects all the way so the lights will be connected. So, the idea and the layout is to drive everybody up to the traffic lights at Robertson and down to Earl Campbell Parkway. This is the first part of the 500 acre tract. As we move west, it's going to become more urban and more residential in nature as it gets back. And so, what we're trying to do with this one is just set up what is the primary commercial, make sure we have access coming out and through. Good cross access everywhere so we're spreading out our traffic. So, like Kyle said, we did a Traffic Impact Analysis (TIA). We added multiple dual left turn lanes and things like that to help with not only the traffic shown in this phase of it, but when it's ultimately built out. So, we're looking far ahead in making sure this is something that's going to be beneficial to the city.

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

Z-2 Z22-064 ZAVALA LUIS JESUS NINO (1524 AND 1526 KENNEDY AVENUE)
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. (O-2022-105).

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

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending and updating Tyler City Code Chapter 1 relating to residency requirements for City Board members, sunset review of City Boards, the definition of “City Officer” and duties of the Main Street Board; City Code Chapter 8 relating to duties of the Parks Board, City Code Chapter 9 relating to duties of the Library Board; and Chapter 14 relating to membership requirements of the Animal Care Advisory Board. (O-2022-106)

Steve Kean, Deputy City Attorney - Stated that this City ordinance is the result of an ongoing review of Tyler City Code. It has several objectives: to streamline procedures, increase efficiency, remove unnecessary or confusing language, improve service to the public, reflect current city practice, and also ensure compliance with applicable law, especially our City Charter. These amendments are primarily related to our City Board provisions, most of which are found in City Code Chapter One.

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

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MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to award Bid No. 23-011 for P.T. Cole Park renovations to Paragon Construction & Associates to furnish all necessary materials, equipment, superintendence, and labor in an amount not to exceed \$584,328.00.**

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 Fritcher Construction Services for the South Thompson Avenue and Barger Street Paving and Drainage Improvements project, for \$1,318,390.00, Bid No. 22-050.**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute an engineering contract with Kimley-Horn & Associates, Inc. for the W. Gentry Parkway and W Martin Luther King Jr. Boulevard Traffic Signal Design in the amount of \$66,900.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute a Professional Services Agreement with Public Sector Personnel Consultants to conduct a classification and compensation study in an amount not to exceed \$85,000.**

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

- M-5 Request that the City Council consider authorizing the City Manager to sign a "Letter of Engagement for Professional Audit Services" with Prothro Wilhelmi, PLLC to perform the Fiscal Year 2021-2022 Annual Audit for a total combined maximum fee including all out of pocket expenses not to exceed \$119,200.**

Motion by Councilmember Hene; seconded by Councilmember McGee; 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 funds for a Personal Services Contract with Mr. Robin Smart for construction inspection services for City of Tyler streets and capital improvement projects in the amount of \$50,000.**

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- C-A-2 Request that the City Council consider authorizing the City Manager to ratify the purchase of two (2) Curbtender trucks for Solid Waste from \$261,464.00 to \$315,705.00 from Curbtender Inc. Sourcewell contract # 091219-CRB.**
- C-A-3 Request that the City Council consider authorizing the City Manager to enter into a contract with Terminix Pest Control to provide City Wide Pest Control services for all City of Tyler facilities in the amount of \$73,800.00 over the next five (5) years.**
- C-A-4 Request that the City Council consider authorizing funds for a Personal Services Contract with Charles H. Samson, III, for design and project management of City of Tyler capital improvement projects in the amount of \$50,000.**
- C-A-5 Request that the City Council consider authorizing the City Manager to execute the Funding Amendment for FY2022-23 to the Northeast Texas Public Health District Cooperative Agreement.**
- C-A-6 Request that the City Council consider ratifying execution of the annual Interlocal Agreement with the Northeast Texas Public Health District (NETPHD) for City support services to the District.**
- C-A-7 Request that the City Council consider authorizing the City Manager to purchase one (1) Ford 1-ton pickup truck to be used by the Fire Department bomb squad from Tyler Ford Tyler, Texas for a total cost of \$52696.30.**

Motion by Councilmember Westbrook; seconded by Councilmember McKellar to pull C-A-5 and take the item separate; motion carried 7 - 0 & approved.

Bob Brewer, Spoke about the first sentence of U.S. Law and what's on the back side of the two-dollar bill, the Declaration of Independence.

Motion by Councilmember Westbrook to approve C-A-5; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

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

CITY MANAGER'S REPORT

1. Mayor Warren and city staff met with Texas Department of Transportation to review the plans and issues related to the improvements for South Broadway from South FM-2813 to South Town Drive. And so, TxDOT has reduced their scope of the project. They've looked at several different things as you all know just during the past decade or more of different types of options of how to handle the amount of traffic that is going on down on South Broadway. And so, they really tried to probably take the most practical aspects

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with some of their planning now. And so, with that, the construction estimate that they've put together is about \$26.2 million and is planned for letting late 2028. So, it puts it in perspective of when we might start to see that happening. There is a separate project, actually, that TxDOT will be moving forward with that's just south of Loop 49 as far as to help with traffic access on U.S.-69 at F.M.-2813 Marsh Farm Road where there has been different accidents and that's actually planned for early 2023. So, you'll start to see that project start to move forward. And so, we also discussed access connections for Irish Meadows neighborhood and some additional deletion and median breaks to help move traffic and help reduce accident points along South Broadway. So, that'll be something that as they move forward with their planning, you'll start to actually--and your constituents probably in the next year or so to have as part of involvement and looking at calming period.

2. Another issue in regards to Texas Commission on Environmental Quality that our most recent T.C.E.Q. Comprehensive Compliance Investigation in August of this year. T.C.E.Q. rates and notices violation for failure to test or plug wells that were not in use. The city has multiple water wells that are placed throughout the city that were designed in the early days and so these haven't been in use in years and due to the rising operational and rehab cost, we looked at to see whether it was a benefit to have these wells of putting them in the operation or going ahead and plugging them. The cost to rehab and operate each well greatly outweighs the benefit of having these wells in operation. Each well's production capabilities in gallons per minute, an average of 360 to 1,000 gallons per minute is also minimal when compared to the production capabilities that we now have for each of the water treatment plants which are in excess of 20,000 gallons per minute. Rising operation and rehab costs, increased regulations, and minimal benefits have also caused us to evaluate whether diverting resources to the rehab of the wells in order to have them placed back in service is still a feasible option. And so, the

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Tyler Water Utilities has made the difficult decision, which is when they were looking through this, to go ahead and move forward with the plugging of the wells at this point because of the fact that if the situation that the wells were needed, the amount of time for putting them in operation and also their capacity what are needing to provide our customers. Since the wells are no longer serving citizens like they once did, they will be, again, moving forward the T.C.E.Q. Regulation Compliance and from a budgetary and regulatory standpoint, we're seeing this plan be the best use of our resources and allow for us to focus on meeting the needs of a growing city for years to come.

3. And then, finally, a couple of different items of note. The Parks Department was selected to receive a \$20,000 grant from the National Environmental Education Foundation for handicap accessibility equipment at Howard Park which is scaled for renovation in the upcoming year. And then, Keep Tyler Beautiful is also selected to receive \$13,000 from ETCOG to pay for their Paint Recycles Collection Day in 2023. The funding will allow professional services to properly collect, handle, and probably discard and recycle the paint collected on that day. So, we're looking forward to those different opportunities to use those grant funds.

Councilmember McKellar stated that she would like to say congratulations to all of the members of city staff who served in the United States Armed Forces and say Happy Veteran's Day to them and salute them for their great work. Thank you.

ADJOURNMENT

Motion by Councilmember Curtis to adjourn the meeting at 9:58 am; seconded by Councilmember McKellar; motion carried 7 - 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK