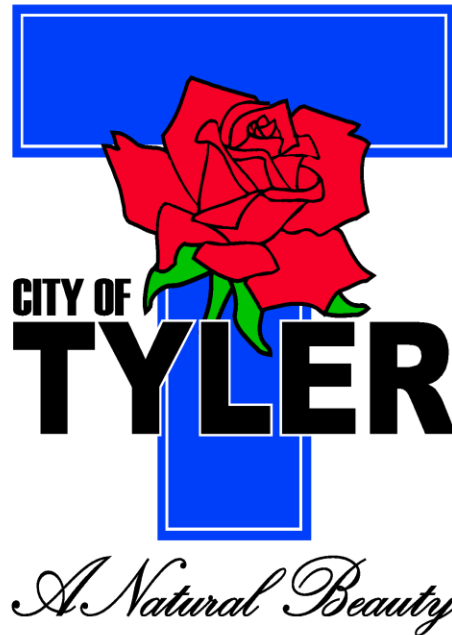


# CITY COUNCIL AGENDA



**Wednesday, December 13, 2023**  
**9:00 am**



## CITY COUNCIL

**Donald P. Warren, Mayor**  
**Stuart Hene, District 1**  
**Broderick McGee, District 2**  
**Dr. Shirley McKellar, District 3**  
**James Wynne, District 4**  
**Lloyd Nichols, District 5**  
**Brad Curtis, District 6**



## **CITY COUNCIL MEETING AGENDA**

### **CITY COUNCIL CHAMBERS - CITY HALL**

**City Hall, City Council Chambers**

**212 N. Bonner Avenue, 2nd Floor**

**Tyler, Texas**

**Follow us on Facebook Live at: <https://www.facebook.com/CityofTylerTexas/>**

**Wednesday, December 13, 2023**

**9:00 am**

Internet website <http://www.cityoftyler.org> and Cable Access Channel 3

Please call (903) 531-1250 if you need assistance with interpretation or translation for this City meeting.

*Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1250.*

#### **AMERICANS WITH DISABILITIES ACT NOTICE**

The City of Tyler wants to ensure that City Council Meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a City Council meeting, please contact the City Manager's Office at 903.531.1250, in advance so accommodations can be made.

#### **COURTESY RULES**

Thank you for your presence. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you wish to address the Council, please fill out the information on the IPAD located outside the Council Chambers. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Comments to the City Council should only be made from the podium. This will ensure that the comments are picked up by the microphones and are made a part of the official record. Delay or interruption of the proceedings will not be tolerated.

## **INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **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 25, 2023.

## **AWARDS**

Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. They represent 130 years of service with the City of Tyler.

Gary King, Police Officer XIV, 30 years of service  
Justin Kuehn, Police Officer XIV, 30 years of service  
Jimmy Toler, Police Chief, 30 years of service  
Dorothy Sanders, Parks, Clerk, 20 years of service  
Nicole Johnson, Municipal Court Administrator, 20 years of service

## **ZONING**

- Z-1**      ZA23-003 UNIFIED DEVELOPMENT CODE (BIANNUAL REVIEW)  
Request that the City Council consider adoption of an ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by classifying new land uses, amending use regulations related to tobacco/vape/smoke stores, auto/motorcycle repair, tire sales, self-storage facilities and bail bonds, and by revising and adding definitions.
- Z-2**      Z23-035 VEREIT OFC TYLER TX LLC (3355 EARL CAMPBELL PARKWAY)  
Request that the City Council consider adoption of an Ordinance approving a zone change from "M-1", Light Industrial District to "C-2", General Commercial District.
- Z-3**      C23-006 TYLER ER REALTY LLC (UNIMPROVED PORTIONS OF COMMERCIAL DRIVE AND REPUBLIC DRIVE)  
Request that the City Council consider adoption of an Ordinance approving the closure of unimproved portions of Commercial Drive and Republic Drive.
- Z-4**      Z23-034 SEC INVESTMENTS LLC (3314 AND 3316 TROUP HIGHWAY)  
Request that the City Council consider adoption of an Ordinance approving a zone change from "PMXD-1", Planned Mixed-Use District 1 to "C-1", Light Commercial District.
- Z-5**      Z23-033 NTET INVESTMENTS LLC (221 SOUTH THOMPSON AVENUE)  
Request that the City Council consider adoption of an Ordinance approving a zone change from "RPO", Restricted Professional Office District to "DBAC", Downtown Business, Arts and Culture District.

- Z-6**            Z23-032 CARTAGENA FRANKLIN R & NANCY M (325 WEST WILSON STREET)  
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-MF”, Multi-Family Residential District to “R-2”, Two-Family Residential District.

### **RESOLUTION**

- R-1**            Request that the City Council consider adoption of a Resolution authorizing the City Manager's application for and acceptance of East Texas Council of Government Local Matching Funds in the amount of \$150,000 to assist with the Transit Department's operating cost. This Resolution also accepts any amendments to increase the funding levels and reduce the local match requirements.

### **ORDINANCE**

- O-1**            Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2023-2024 Budget to provide funding to complete various construction projects, motor vehicle purchases, and other purchases not completed by September 30, 2023, as anticipated.

### **MISCELLANEOUS**

- M-1**            Request that the City Council review and consider accepting the Revenue and Expenditure Report for the period ending Sept 30, 2023.
- M-2**            Request that the City Council consider authorizing the City Manager to execute a construction contract with Paragon Construction for the construction of the Tyler Water Utilities Service Center Remodel project in the amount of \$616,132.00 and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt.
- M-3**            Request that the City Council consider authorizing the City Manager to execute a construction contract with Capps-Capco Construction for the construction of the Charleston Lift Station Rehabilitation project in the amount of \$621,033.00 and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt.
- M-4**            Request that the City Council consider authorizing the City Manager to execute all necessary documents and contract/s to accomplish water meter replacement project with Core and Main of Tyler, TX, in the amount of \$3,450,000 for the purchase of Neptune water meters, register units, and accessories during Fiscal Year 2023-2024 as needed and to furnish material and labor for replacing existing water meters that have been identified for replacement with the Neptune T10 and associated infrastructure, HGAC Contract number 20-00808.
- M-5**            Request that the City Council consider awarding the Medical and Pharmacy Stop-Loss contract to Berkley for the calendar year starting January 1, 2024.

### **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 2023 Certified Property Tax Roll.

- C-A-2** Request that the City Council consider approving the requested landfill gate rate increase of \$4 per ton, which changes the rate from \$34 per ton to \$38 per ton.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase a Sunset Promaster Conversion Low Floor Ram 3500 Van for the Transit Department from ABC Bus Inc., through the State of Georgia Contract for \$180,744.86.
- C-A-4** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2023.
- C-A-5** Request that the City Council consider authorizing the City Manager to ratify an expenditure in the amount of \$132,692.90 for the Mandated Annual Water Quality Assessment Fee to the Texas Commission on Environmental Quality.
- C-A-6** Request that the City Council consider authorizing the City Manager to award multiple vendors for the Annual Price Agreement for Automotive and Equipment parts per bid 23-092.
- C-A-7** Request that the City Council consider authorizing the City Manager to execute a contract extension with USIC Locating Services, LLC for locating and marking water, sewer, and stormwater underground facilities in a new contract amount not to exceed \$500,000, Buyboard Contract Number 632-20.
- C-A-8** Request that the City Council consider authorizing the City Manager to release a sanitary sewer easement, in which the sewer line has been abandoned, from Copper Creek Addition Lot 11-A.
- C-A-9** Request that the City Council consider authorizing the City Manager to purchase additional safety equipment for the already approved Sunset Promaster 3500 Conversion Low Floor Vans for Transit Department from ABC Bus, Inc., through the State of Georgia Contract for an additional \$5,234.00 for a total purchase price of \$350,489.72.
- C-A-10** Request that the City Council consider authorizing funds for Change Order No. 1 to the construction contract with True Roads Construction, LLC., for the Numerous Drainage Improvements Project in the amount of \$85,186.00.
- C-A-11** Request that the City Council consider authorizing the City Manager to cancel the purchase of three (3) out of the four (4) Arboc Buses for the Transit Department from Creative Bus Sales/Mobile 1.
- C-A-12** Request that the City Council consider authorizing the City Manager to purchase two (2) Frontrunner ProMaster buses for the Transit Department from ABC Bus, Inc., for \$433,938.00 through the Georgia DOAS contract 99999-SPD-SPD0000212-0010.
- C-A-13** Request that the City Council consider authorizing the City Manager to approve the partial release of the sewer easement on 3135 Cascade Court that has been verified as no longer needed after construction of a new line.
- C-A-14** Request that the City Council consider authorizing the City Manager to ratify Change Order No. 1 with Hartbeat Construction for additional work as part of the Repair of Inlet Boxes - 2023 project, increasing the total amount by \$34,544.22.

- C-A-15** Request that the City Council consider authorizing the City Manager to approve the Amendment #2 to Via Mobility, LLC, RFP 21-008, to add Micro Transit software and in person training. The additional cost will pay for three (3) vehicles to operate Micro Transit software in the amount of \$14,400.00 and the in-person training in the amount of \$7,500.00, for an added annual cost of \$21,900.00 for the first year.
- C-A-16** Request that the City Council consider authorizing the City Manager to execute the one (1) year lease with The Braun Corporation for 81,276 square feet of the Airport Drive North Parking Lot from December 15, 2023 to December 14, 2024 at Tyler Pounds Regional Airport.
- C-A-17** Request that the City Council consider authorizing the City Manager to execute the Work Order #3 to KSA Engineers, Inc., to provide engineering services for the Passenger Boarding Bridge Study for a total cost of \$33,254.00 at Tyler Pounds Regional Airport.
- C-A-18** Request that the City Council consider authorizing the City Manager to purchase (1) one 72" mower to replace unit 15529 for the Parks Department from Turf and Supply Maintenance through Sourcewell contract #070821-ATZ with the option to purchase additional units as they become available under the same Sourcewell contract.
- C-A-19** Request that the City Council consider adopting a Resolution authorizing the Tyler Police Department to participate with other law enforcement agencies in the submission of a grant request from the Texas Motor Vehicle Crime Prevention Authority (MVCPA) for the thirtieth year of funding to participate in the East Texas Auto Theft Task Force and authorize the City Manager to enter into a working agreement regarding the same.
- C-A-20** Request that the City Council consider approving a re-plat of Lot 4A in the Peninsula North Subdivision, located on Lake Tyler.
- C-A-21** Request that the City Council consider authorizing the City Manager to execute Change Order No. 1 to the construction contract with True Roads Construction, LLC., for the Numerous Drainage Improvements Project in the amount of \$85,186.00.
- C-A-22** Request that the City Council consider authorizing the City Manager to execute a contract with Morton Enterprise for the construction of the 2024 Asphalt Crack Seal Project in the amount of \$491,119.00.
- C-A-23** Request that the City Council consider ratifying a payment to STI in the amount of \$69,855 for the replacement of a 55' signal pole damaged by a motor vehicle accident on 11/18/23.
- C-A-24** Request that the City Council consider authorizing the purchase of 42 sets of turnout gear in the amount of \$137,340.00 for the Tyler Fire Department.
- C-A-25** Request that the City Council consider authorizing the City Manager to execute an agreement with Cequel Communications dba Optimum Business (formerly Suddenlink Communications) for fiber optic connectivity.

## **CITY MANAGER'S REPORT**

## **EXECUTIVE SESSION**

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 provisions of the Government Code:

Executive Session Item No. 1: Under Tex. Gov't Code Section 551.071 "Litigation", deliberation regarding the following:

Pending or contemplated litigation or settlement offer involving Leland Bradlee Construction, Inc. and Lexon Insurance Company.

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

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

**ADJOURNMENT**