

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS**  
**November 13, 2024**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 13, 2024 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 (absent)
Mayor Pro Tem:	Stuart Hene
Councilmembers:	Brad Curtis Shirley McKellar Petra Hawkins James Wynne Lloyd Nichols
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	Alesha Buckner
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
MPO Director:	Michael Howell
Compliance Engineer:	Paul Neuhaus
Project Engineer Water Utilities:	Tiffany Currie
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Director of Parks & Recreation:	Leanne Robinette
Transit Manager:	Russ Jackson
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Curtis.

**MINUTES**

Request that the City Council consider approving the following sets of minutes of the City Council of the City of Tyler, Texas.

August 14, 2024 - City Council Boards & Commissions Training Session  
August 28, 2024- City Council Regular Called City Council Meeting Minutes  
August 28, 2024 - City Council Boards & Commissions Training Session

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

## PRESENTATION

P-1 Request that the City Council consider receiving an annual presentation by Visit Tyler.

**Dianne Bayes, President of Visit Tyler** - Gave an end of the year presentation.

## ZONING

Z-1 PD24-023 COPPER RIDGE II LLC (6951-6959 ARBOR RIDGE DRIVE AND 6865 OAK HILL BOULEVARD)

Request that the City Council consider adoption of an Ordinance approving a 'PMXD-1', Planned Mixed Use District-1 final site plan amendment. **(O-2024-95)**

Motion by Councilmember Curtis to remove Z-1 from being tabled from last meeting; seconded by Councilmember Wynne; motion carried 6 - 0 & approved.

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

Z-2 C24-008 THE GARDENS (TWO ALLEY RIGHTS-OF-WAY)

Request that the City Council consider adoption of an Ordinance approving the closure of two alley rights-of-way located between West Ferguson Street and West Erwin Street. **(O-2024-96)**

Motion by Councilmember Hawkins; seconded by Councilmember Wynne; motion carried 6 - 0 & approved as presented.

Z-3 PD24-024 THE GARDENS AT WEST OAK (710, 714, 718, 728, 730, 802, AND 812 WEST FERGUSON STREET AND 717, 725, 729, 823 AND 829 WEST ERWIN STREET)

Request that the City Council consider adoption of an Ordinance approving a zone change from 'DBAC', Downtown Business, Arts and Culture District and 'M-1', Light Industrial District to 'PMXD-2', Planned Mixed Use District-2 with a final site plan. **(O-2024-97)**

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

Z-4 Z24-033 GARRETT NEWMAN (2714 AND 2716 CALLOWAY ROAD)

Request that the City Council consider adoption of an Ordinance approving a zone change from 'R-1A', Single-Family Residential District to 'R-1B', Single-Family Residential District. **(O-2024-98)**

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

Z-5 Z24-034 GARRETT NEWMAN (2508 CALLOWAY ROAD)

Request that the City Council consider adoption of an Ordinance approving a zone change from 'R-1A', Single-Family Residential District to 'R-1B', Single-Family

Residential District. (O-2024-99)

Motion by Councilmember Nichols; seconded by Councilmember Wynne; motion carried 6 - 0 & approved as presented.

**RESOLUTION**

R-1 Request that the City Council consider adopting a Resolution authorizing the City Manager, or the City Manager's Designee, as the designated representative of the City of Tyler, to execute Advanced Funding Agreements (AFA) with the Texas Department of Transportation (TxDOT) for multiple Highway Safety Improvement Program (HSIP) Projects. (R-2024-45)

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

**ORDINANCE**

O-1 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 3, Civil Service Classification Plan by amending the Civil Service Classification Plan and the number of authorized Civil Service positions for Fiscal Year 2024-2025. (O-2024-100)

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

O-2 Request that the City Council consider conducting the annual investment policy review and consider adoption of an ordinance amending Tyler City Code Chapter 2 by adopting the investment policy. (O-2024-101)

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

**MISCELLANEOUS**

M-1 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending September 30, 2024.

Motion by Councilmember Nichols; seconded by Councilmember McKellar; motion carried 6 - 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 Baker & Company Construction, LLC, for the West Mud Creek, Tributary A (Glenwood Church of Christ) Erosion Remediation project, Bid No. 24-036, for \$3,388,043.00.

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

**M-3** Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$4,177,105, with KSA Engineers, Inc. for the Consent Decree Capacity Work Group 3 Design.

Motion by Councilmember McKellar; seconded by Councilmember Nichols; 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 authorizing the City Manager to purchase two fire trucks and sign documents to enter into a five- year capital lease program for the acquisition of one (1) Pierce Pumper \$935,838.63 and one (1) ariel \$1,685,321.99, plus a \$2000.00 HGAC fee for a total purchase cost of \$2,623,160.62 from Siddons Martin HGAC Contract # FS12-23.

Motion by Councilmember Wynne to approve C-A-1; seconded by Councilmember McKellar; motion carried 6 - 0 & approved.

**C-A-2** Request that the City Council consider approving the Reconciliation Order and retainage in the amount of \$9,112.99 to Reynolds & Kay, LTD for the 2024 Seal Coat Project.

**C-A-3** Request that the City Council consider authorizing the City Manager to declare certain designated vehicles as surplus and ready to be auctioned.

**C-A-4** Request that the City Council consider authorizing the City Manager to approve Addendum #1 to existing contract with Token Transit over the life of the five (5) year contact for reoccurring fees at \$20,900 per year, for a total of \$104,500. Staff is also recommending the purchase of an additional thirteen (13) Token validators at a cost of \$47,600, for a total cost of \$68,500 the first year of the amended contract. Any additional validators will cost \$4,400 each the first year of the purchase and installation.

**C-A-5** Request that the City Council consider authorizing the City Manager to execute a new Master Services Agreement for professional engineering services with Yvonne Newman Engineering, Inc. to provide engineering services.

**C-A-6** Request that the City Council consider authorizing the City Manager to execute a Work Order No. 2 with Kimley-Horn and Associates, Inc., for engineering services, related to the City of Tyler's Traffic Management Center, for a cost not to exceed \$150,000.00.

**C-A-7** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending September 30, 2024.

C-A-8 Request that the City Council consider authorizing the City Manager to purchase the City vehicles and equipment identified from the recommended bidders.

C-A-9 Request that the City Council consider approving the 2024 Certified Property Tax Roll.

C-A-10 Request that the City Council consider authorizing the City Manager to execute Work Order No. 1 with WSB LLC, for engineering services related to the Highway Safety Improvement Program 2023 Pedestrian Signal Improvement Project, with a cost not to exceed \$119,000.00.

C-A-11 Request that the City Council consider authorizing the City Manager to execute a contract with Morton Enterprise for the construction of the 2025 Asphalt Crack Seal Project in the amount of \$314,719.00.

C-A-12 Request that the City Council consider authorizing the City Manager to approve a Reconciliation change order in the amount of \$143,660.20 and approve the release retainage in the amount of \$86,966.51 to Fritcher Construction Services for the completion of the Stagecoach Drive Drainage Improvements Project.

C-A-13 Request that the City Council consider authorizing the City Manager to execute and add Work Order #02 to the Master Services Agreement with The C.T. Brannon Corporation for the design and construction phase services, as they relate to the 2025 Structure Flooding project for \$210,100.00.

C-A-14 Request that the City Council consider authorizing the City Manager to ratify a reconciliation change order that will decrease the contract amount by \$ 210,626.58 and the release of final retainage payment in the amount of \$30,105.16 to A.E. Shull and Company for the construction of the John Soules Food Waterline Extension Project.

C-A-15 Request that the City Council consider authorizing the City Manager to execute a contract for the 2024 Pedestrian Access project, Tyler Bid Number: 24-038, totaling \$272,220.00 to Cross Plus Construction, LLC.

C-A-16 Request that the City Council consider authorizing the City Manager to execute a contract amendment for the Greenbriar Sliplining engineering agreement with KSA Engineers, Inc. in the amount of \$40,000 for additional Right-of-Way Agent services.

C-A-17 Request that the City Council consider authorizing the City Manager to purchase playground equipment for two of the parks through the Buy Board Purchasing Cooperative from Kraftsman Commercial Playgrounds & Water Parks in the amount of \$110,400.

C-A-18 Request that the City Council consider authorizing the City Manager to approve Preferred On Site repair service as the primary vendor for welding services, Burns Welding and Fabrication as a secondary vendor for welding service, and award Platinum Auto Glass as the primary vendor for auto glass installation for sealed bid 25-001.

C-A-19 Request that the City Council consider authorizing the City Manager to award Crow Towing as the primary vendor for towing services for Vehicle Services per bid 25-002 Annual Price Agreement for Wrecker Services.

C-A-20 Request that the City Council consider authorizing the capital expenditure of \$57,070.00 to Pump Solutions, Inc. New Caney, Texas, for replacement of one (1) 107 HP submersible pump at Shackleford Creek sanitary sewer lift station.

C-A-21 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will reduce the contract amount by \$121,525.28 and the release of final retainage payment in the amount of \$227,493.04 to King Solution Services, LLC for Consent Decree Group 5 Pipeburst Rehabilitation, Bid 23-016.

C-A-22 Request that the City Council consider authorizing the City Manager to ratify an expenditure in the amount of \$56,650.00 to Walker Process Equipment for the purchase of a new primary clarifier gear drive unit at the Westside Wastewater Treatment Plant.

C-A-23 Request that the City Council consider authorizing the City Manager to enter into an agreement with Northchase Development LLC to reimburse costs (not to exceed \$1,000,000) associated with East Maple Estates Unit 1 infrastructure improvements in conjunction with the adopted TIRZ #3 Project and Financing Plan.

C-A-24 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will reduce the contract amount by \$413,748.03 and the release of final retainage payment in the amount of \$98,049.20 to Douglas Daily Construction, LLC for Consent Decree Group 4 Mainline Specialty Pipeburst, Bid 22-014.

C-A-25 Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$371,300, with KSA Engineers, Inc. for the 2024 Sanitary Sewer Reroutes.

C-A-26 Request that the City Council consider ratifying staff action requesting the City Manager to sign a Pipeline Crossing Agreement with the Union Pacific Railroad

(UPRR) Company for constructing a sanitary sewer pipeline within Union Pacific Railroad right-of-way and payment of the License Fee in the amount of \$21,460.

C-A-27 Request that the City Council consider authorizing the City Manager to sign a Union Pacific Rail Road permit associated with the 2024 Water Main Improvements (2-Inch Replacement) project and issue payment for \$7,000 for the permit.

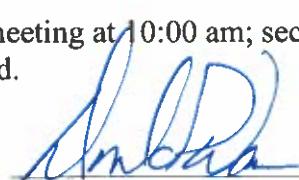
Motion by Councilmember Nichols to approve C-A-2 through C-A-27; seconded by Councilmember Hawkins; motion carried 6 - 0 & and approved as presented.

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

1. Reynolds and Kay have completed about 90% of the 2024 asphalt enhancement projects. Part of the project I want to brag about is the one for E. Dawson Street in front of Christus Trinity Mother Frances Hospital that was reconstructed from Fleishel to Hospital Drive. Gary Cannon and the Engineering Department worked closely with Christus Trinity Mother Frances and UT Health system personnel to reduce the inconvenience as much as possible. With the main entrance to the hospital and emergency access, E. Dawson Street was reconstructed in two phases. The hospital provided staff to help with pedestrian control and Reynolds and Kay crews expedited the construction. So, this project was completed in less than two weeks. Both Christus Trinity Mother Frances and the UT Health system were very pleased with the process and now have a new street serving them.
2. Our communications team won a Marcom Platinum Award for the 2024 State of the City video, which you all were included in. We also won a Gold Award for the Future Ready Annual Report 2023-2024.
3. Then finally, members from the Tyler Fire Department competed against other Firefighters from around the globe at the World Firefighter Challenge Championship event held in Nashville Tennessee in October, the relay team Open Division placed 12th in the world. Patrick Mayo placed seventh and Terry Hawkins placed fifth in the world over their respective age divisions. Hats off to all these guys. The Firefighter Challenge is a competitive event, pitting elite firefighter athletes against each other in head to head races that simulate the physical demands of real-life firefighting. Wearing full bunker gear and SCBA, pairs of competitors race against each other and the clock to complete an arduous task. So, we're very impressed with our guys there and the work that they did. While it may take a while for good equipment to come in, we've got great firefighters out there that can run pretty fast to get to you.

### **ADJOURNMENT**

Motion by Councilmember Wynne to adjourn the meeting at 10:00 am; seconded by Councilmember McKellar; motion carried 6 - 0 & meeting adjourned.



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

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

