

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 27, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 27, 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:	Brad Curtis
Councilmembers:	Stuart Hene
	Shirley McKellar
	Broderick McGee
	James Wynne
	Lloyd Nichols
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Parks Director:	Leanne Robinette
Director of Solid Waste, Transit:	Leroy Sparrow
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Wynne.

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 August 23, 2023, and also the minutes of the special called Boards & Commission Work-session of the City of Tyler, Texas held on August 23, 2023.

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

AWARDS

A-1 Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. They represent 140 years of service with the City of Tyler.

Brian Boyd, Firefighter X, 20 years of service

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Scott Hilsabeck, Fire Driver Engineer IV, 20 years of service
Aaron Bower, IT Specialist IV Supervisor, 20 years of service
Duane Starling, Utilities Construction Inspector, 25 years of service
John Thompson, Code Enforcement Housing Inspector Supervisor, 25 years of service
Michael Norris, Manager WW Utilities System, 30 years of service

PRESENTATION

- P-1 Request that the City Council consider accepting the 2022 Arbor Day Foundation's Tree City USA Growth Award.**

Luke Alfaro, Forester and Arborist - gave a brief presentation concerning the Arbor Day Foundation's Tree City USA Growth Award.

- P-2 Request that the City Council consider hearing the annual update presentation from Visit Tyler.**

Diann Bayes, President of Visit Tyler - Gave an annual update on the activities going on for Visit Tyler.

ZONING

- Z-1 Z23-029 GONZALEZ VICTOR HUGO TORRES (1131 EAST COMMERCE STREET)**
Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1D", Single-Family Detached and Attached Residential District to "R-2", Two-Family Residential District. (O-2023-88)

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

- Z-2 PD23-017 BREEDLOVE PROPERTIES INC (3929 CHAPEL QUARTERS)**
Request that the City Council consider adoption of an Ordinance approving a zone change from "AG", Agricultural District to "PUR", Planned Unit Residential District with Final Site Plan. (O-2023-89)

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

- Z-3 Z23-028 SMITH COUNTY (213 EAST LOCUST STREET AND 210 EAST FERGUSON STREET)**
Request that the City Council consider adoption of an Ordinance approving a zone change from "M-1", Light Industrial District to "DBAC", Downtown Business, Arts and Culture District. (O-2023-90)

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

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- Z-4 A23-004 TYLER OAK CREEK DEVELOPMENT (ALL ADDRESSES IN OAK CREEK ADDITION UNIT 7)**
Request that the City Council consider adoption of an Ordinance providing for the voluntary annexation of approximately 7.59 acres of land lying adjacent to the present boundary limits of the City of Tyler located east of the intersection of Jonestown Road and Keechi Creek Road. Also consider recommending:
A. The new boundary of the City Limits.
B. The new boundary of the City Council District #1.
C. The new boundary of the Tyler Extraterritorial Jurisdiction upon consent.
D. That the City Manager be authorized to sign a written agreement for provision of City services per Texas Local Government Code Section 43.0672.
E. Amendment of the Future Land Use Guide to reflect Single-Family Medium/Low Density.
F. Establishment of original zoning of "PUR", Planned Unit Residential District with narrative. (O-2023-91)

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

- Z-5 PD23-012 REED DEVELOPMENT COMPANY LLC (8025 AND 8029 CROOKED TRAIL AND APPROXIMATELY 21.83 ACRES OF LAND IN CUMBERLAND PLACE WEST UNIT 1) Request that the City Council consider on appeal adoption of an Ordinance approving a "PUR", Planned Unit Residential District site plan amendment.**

Adam Reeves, 3930 Glade Rd, Colleyville Tx. – Here representing Developer.

Motion by Councilmember Nichols; seconded by Councilmember Hene; motion carried 7 - 0 & denied as presented.

ORDINANCE

- O-1 Request that the City Council consider adoption of an Ordinance amending the Fiscal Year 2022-2023 Budget. (O-2023-92)**

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

- O-2 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 number of authorized Civil Service positions for Fiscal Year 2023-2024. (O-2023-93)**

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

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MISCELLANEOUS

- M-1 Request that the City Council consider ratifying the appointment of Joey Hooton as City of Tyler Fire Marshal.**
- Motion by Councilmember Hene; 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 construction contract with A.E. Shull & Company, for the construction of the John Soules Food Waterline Extension Project in the amount of \$3,470,533,50.**
- Motion by Councilmember McKellar; seconded by Councilmember McGee; motion carried 7 - 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 \$543,400, with KSA Engineers, Inc. for the Consent Decree Group 6 Remedial Measures Cured-in-Place Pipe Liners.**
- Motion by Mayor Pro Tem Curtis; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.
- M-4 Request that the City Council consider authorizing the City Manager to enter into a contract with McGriff Insurance Services (McGriff) for Property and Casualty Insurance in the amount of \$1,133,995, Hibbs Hallmark and Company for Cyber Insurance in the amount of \$39,723, Innovative Risk Management for Third Party Claim Administration in the amount of \$41,400 and Bosworth and Associates for the purchase of Special Events Liability Insurance with a deposit premium of \$2,000 for Fiscal Year 2023-2024 as the first of two (2) one year renewal options authorized September 28, 2022.**
- Motion by Councilmember Wynne; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.
- M-5 Request that the City Council consider authorizing the City Manager to enter into a contract with Hibbs Hallmark and Company for Excess Workers Compensation Insurance in the amount of \$138,080 and Claims Administrative Services for Third Party Claim Administration in the amount of \$49,330 for Fiscal Year 2023-2024 as the first of two (2) one year renewal options authorized September 28, 2022.**
- Motion by Mayor Pro Tem Curtis; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.
- M-6 Request that the City Council consider authorizing the City Manager to award Bid No. 23-082 for the Lindsey Park Governor's Community Achievement Award (GCAA) funded improvements to Paragon Construction & Associates to furnish all necessary**

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materials, equipment, superintendence, and labor in an amount not to exceed \$317,567.00.

Motion by Councilmember McGee; 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 execute an Interlocal Agreement for the City to host cloud-based services, including hosting for virtual servers and related network switches, security and internet services for Smith County's 911 Geographic Information System Consortium over the next five years.**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase one (1) Fire Command unit Ford Explorer from Dana Safety, Fort Worth, Texas Buyboard contract 698-23 for a total cost including upfit of \$64,490.18.**
- C-A-3 Request that the City Council consider ratifying the purchase of winter storm cleanup assistance from DRC Emergency Services in the amount of \$296,730.**
- C-A-4 Request that the City Council consider authorizing the City Manager to approve the final release of retainage in the amount of \$32,044.71 to Innovative Roadway Solutions LLC, for the 2023 ONYX Seal Project.**
- C-A-5 Request that the City Council consider adoption of a Resolution authorizing the application of and acceptance of Federal Transit Administration (FTA) Grant Funds passed through to the Texas Department of Transportation (TxDOT) under the Section 5310 Mobility of Seniors and Individuals with Disabilities Grant in the amount of \$248,621 along with the acceptance of \$40,000 in Transportation Development Credits (TDC). (R-2023- 42)**
- C-A-6 Request that the City Council consider authorizing the City Manager execute a new Personal Services Contract with Davis Dickson for project assistance for the Half Cent Sales Tax program and other services as needed for the City of Tyler in the amount of \$50,000.**
- C-A-7 Request that the City Council consider reviewing and accepting the City of Tyler's workers' compensation, property and casualty claim and lawsuit report for 2020-2021, 2021-2022 and 2022-2023 through June 30, 2023, and ratify all claim payments and settlements within the City's retention during that time frame in the amount of \$1,866,785. This includes 18 claim payments of \$25,000 or more and 4 litigated claims.**
- C-A-8 Request that the City Council consider awarding sealed bids opened August 22, 2023, and September 12, 2023, to the referenced bidders for the annual price agreements and**

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for the purchase of various water and wastewater treatment chemicals for the fiscal year October 1, 2023, through September 30, 2024.

- C-A-9 Request that the City Council consider authorizing the City Manager to approve the use of Analytical Environmental Lab, of Tyler, TX, SPL, Inc. of Dallas, TX and Lower Colorado River Authority Environmental Laboratory Services of Austin, TX as sole sources for certain testing services during Fiscal Year 2023-2024.**

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

CITY MANAGER'S REPORT

1. Demolition of the Tysen house has begun and so, we are very excited about the fact that this eyesore, you know, for the neighborhood over there and for our downtown is now being removed.
2. One of the things with the East Texas State Fair underway that we want to make sure is kind of mentioned as well is our continuing concerns in relation to our FOG ordinance, our passive oils and grease, and how we can keep that out of our waste water system is the work that Code Enforcement has done with the East Texas State Fair staff for the Fair, as it's going on now.
3. Code Enforcement has been working to make sure of what they can do to help beautify downtown; and so over the past week, they were able to put panels up. We had a local artist that did some rose mural work that was put on those panels, so, that kind of gives a nice break to our solid waste facility and some of the stuff that goes on over there from those who are kind of traveling through downtown. So, we're very especially proud of Solid Waste for helping sponsor the panels, and then Code Enforcement for really helping getting that site prepared and helping the artist get that put up.
4. And then, finally, the City Council had a great meeting last week; and I want to say thank you for the work that you have all done with the Commissioner's Court. That joint meeting is one to where, you know, it's only places like Tyler and Smith County that we can be able to have two different political bodies come together and have such camaraderie, discussion, and a unanimous agreement on as far as the direction for downtown. And so, I was very proud of that. I appreciate the hard work of the Mayor and the Council with that; and so, we're very grateful for just kind of how that meeting went.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:48 am; seconded by Councilmember McGee; motion carried 7 - 0 & meeting adjourned.


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

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ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

