

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
October 25, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 25, 2023 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
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
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	Alesha Buckner
Airport Manager:	Stephen Thompson
Planning Director:	Kyle Kingma
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
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 Mayor Warren.

**MINUTES**

Motion by Councilmember Wynne to approve the September 27, 2023 minutes; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.

**AWARDS**

- A-1      Request that the City Council consider accepting the “Certificate of Achievement for Planning Excellence” from the American Planning Association – Texas Chapter.**

**PRESENTATION**

- P-1      Request that the City Council consider receiving a presentation from Garver, LLC for the Wastewater Treatment Plant Master Plan.**

**Lance Klement, Garver** – Gave a presentation on the Wastewater Treatment Plant Master Plan.

## **ZONING**

- Z-1 PD23-018 UTZ ALAN & KAMLA JENSEN (0.48 ACRE PORTION OF 4000 SOUTHPARK DRIVE) Request that the City Council consider adoption of an Ordinance approving a zone change from “RPO”, Restricted Professional Office District to “POD”, Planned Office District with a final site narrative. (O-2023-99)**

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

- Z-2 PD23-020 AEGIS LTD PARTNERSHIP (604 FRAZIER STREET) Request that the City Council consider adoption of an Ordinance approving a “PMF”, Planned Multi-Family District final site plan amendment. (O-2023-100)**

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

- Z-3 Z23-031 DAYSTAR MANAGEMENT LLC (1902 SOUTH SOUTHWEST LOOP 323) 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. (O-2023-101)**

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

## **ORDINANCE**

- O-1 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 12 by adjusting the Airport Security Badges/Identification Media fees at Tyler Pounds Regional Airport. (O-2023-102)**

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

- O-2 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Mechanical Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-103)**

Bob Brewer, 1800 DeCharles- Spoke about the constitution and laws.

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

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- O-3**      **Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Residential Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-104)**
- Motion by Councilmember Nichols; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.
- O-4**      **Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Plumbing Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-105)**
- Motion by Councilmember Nichols; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.
- O-5**      **Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Energy Conservation Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-106)**
- Motion by Councilmember McKellar; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.
- O-6**      **Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 6 by adopting the 2023 National Electrical Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-107)**
- Motion by Councilmember Nichols; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.
- O-7**      **Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Fuel Gas Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-108)**
- Motion by Councilmember Hene; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.
- O-8**      **Request that the City Council consider adoption of an ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Building Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24.**

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**(O-2023-109)**

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

- O-9      Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 by adopting the 2021 International Existing Building Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-110)**

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

- O-10      Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 by updating certain requirements for residential and commercial site plans to include digital drawings and making other clean-up changes. (O-2023-111)**

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

- O-11      Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 to adopt the 2021 International Fire Code with amendments. It is recommended that a two-month transition period be provided for the effective implementation and enforcement of the new code. Implementation date of 1/1/24. (O-2023-112)**

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

**MISCELLANEOUS**

- M-1      Request that the City Council consider authorizing the City Manager to enter into an agreement with MHS Planning & Design, LLC in the amount of \$64,600.00 to prepare the W.E. Winters Park design plan.**

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

- M-2      Request that the City Council consider awarding bid number 23-080 related to Employee Basic Life Insurance, Accidental Death and Dismemberment, Employee and Dependent Optional Life Insurance, and Optional Accidental Death and Dismemberment (ACTIVES AND RETIREES) to Ochs.**

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

- M-3      Request that the City Council consider awarding bid number 23-086 related to Voluntary Vision to Superior.**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute a Work Order with The C.T. Brannon Corporation for preliminary design phase services for the addition of a continuous left turn lane on New Copeland Road from Shiloh Rd south to Rieck Rd for a cost not to exceed \$129,830.00.**

Motion by Mayor Pro Tem Curtis; 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 cancelling the regularly scheduled City Council meetings of November 22, 2023, and December 27, 2023.**
- C-A-2 Request that the City Council consider authorizing the City Manager to approve continuing Keep Tyler Beautiful's contract with Andrews Diversified Industries of Tyler, Texas for litter abatement services not to exceed the amount of \$58,940.00.**
- C-A-3 Request that the City Council consider authorizing the City Manager to purchase (2) two residential refuse truck chassis from Bond Equipment and (2) two refuse bodies from Heil of Texas for a total purchase cost of \$823,948.**
- C-A-4 Request that the City Council consider authorizing the City Manager to purchase the City vehicles and equipment identified from the lowest bidders.**
- C-A-5 Request that City Council consider authorizing the City Manager to renew the award of bid 20-009 to Rivers Recycling for the material recovery of Tyler's single stream recycling.**
- C-A-6 Request that the City Council consider authorizing the City Manager to ratify submission of an application and acceptance for Federal Aviation Administration Bipartisan Infrastructure Law (BIL) Contract Tower Competitive Grant Funds totaling \$1,125,000.00 to fund 100% of the costs to select the site and design a new Air Traffic Control Tower at Tyler Pounds Regional Airport.**
- C-A-7 Request that the City Council consider authorizing the City Manager to execute the Work Order #2 to KSA Engineers, Inc., to provide engineering services for the Air Traffic Control Tower (ATCT) Siting Study for a total cost of \$267,064.00 at Tyler Pounds Regional Airport.**
- C-A-8 Request that the City Council consider acceptance of a FY 2024 Texas Department of Transportation (TxDOT) Routine Airport Maintenance Program (RAMP) Grant**

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**totaling \$100,000.00 for general maintenance programs at Tyler Pounds Regional Airport.**

- C-A-9 Request that the City Council consider authorizing the City Manager and/or his designee to execute the closing documents related to the sale of homes located in Hidden Palace subdivision. (R-2023-44)**
- C-A-10 Request that the City Council consider authorizing the City Manager to purchase goods through the Sourcewell Purchasing Cooperative where the City of Tyler can take full advantage of purchasing any and all items available through this cooperative. It is also requested that the City Council consider authorizing the City Manager to purchase commercial containers from Wastequip from October 2023 to September 2024.**

Motion by Mayor Pro Tem Curtis to approve the consent items as written; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.

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

1. Earlier today, you all recognized the Planning and Development staff's hard work, but something they also did this month is National Community Planning Month. They volunteered at the Tyler Senior Center last Friday to start clearing leaves and planting flower beds near the front entrance. The staff planners were able to go out there to improve the wellbeing of all the people in our community, especially our seniors that take part in our Senior Center. They were able to go get their hands dirty, a breath of fresh air, and enjoy that rather than looking at plans and plats. Plans and plats were still waiting for them when they came back, so they had to get involved in those, so if there's additional dirt on your plat, we apologize for that.
2. We also just came off the Rose Festival this weekend and we had an incredibly successful Rose Festival with all the different activities. Things of note. This was our first year to use the W.T. Brookshire Conference Center and the grounds in association with the Rose Festival and we received some great comments back. The Chair of the Queen's Coronation Ball sent a very nice note stating how wonderful the activities were and how hard working the staff was to make sure all things were taken care of and it was an incredible opportunity for everyone involved. Also, we want to thank our Rose Garden Crews. We have the Queen and all of her court in beautiful dresses and everything, but then you probably see Jose and some of his staff that aren't as beautifully dressed and also covered in dirt, but they're the ones making sure that everybody coming into our community is able to see the beautiful roses we have at the Rose Garden and all that is there. They planted 114 rose beds in preparation for the Rose Festival in addition to other partial bed renovations. They also recently installed a new rose climber project consisting of planting climbers along the north fence which will spread and look beautiful for pedestrians and drivers on Front Street as they drive by. They do incredible work out there and we're very proud of our Rose Garden Crew and Rose Complex Staff.
3. Finally, we have the Smith County United Way Drive we take part in every year. Our employees are having their kick-off this week, in fact, for that into next week. We encourage our employees and others to take part in United Way. It's a great activity and organization that benefits all in our community in different ways. We are very excited to be part of that drive.

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Mayor Warren - Also, we don't talk about James very much. He's just over there being quiet, but it's my understanding James received the J.B. Smith Community Service Award last night at the Greater Tyler Area Realtors Fire Responders' Dinner. I think it's time to give him an applause. You all sit over there nice and quiet, but thanks for keeping us safe.

**ADJOURNMENT**

Motion by Councilmember McKellar to adjourn the meeting at 10:12 am; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & meeting adjourned.



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

**ATTEST:**



**CASSANDRA BRAGER, CITY CLERK**

