

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 12, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 12, 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:	Shirley McKellar
Councilmembers:	Stuart Hene James Wynne Broderick McGee Bob Westbrook Brad Curtis
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Airport Director:	Stephen Thompson
Interim Main Street Director:	Amber Rojas
Planning Manager:	Kyle Kingma
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Interim City Engineer:	Jacob Walker, HDR
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember McGee.

MINUTES

Motion by Councilmember Westbrook to approve the October 27, 2021 minutes; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

AWARDS

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

ZONING

Z-1 Z21-054 GENECOV WEST MUD CREEK, LLC (8020 HOLLYTREE DRIVE)
Request that the City Council consider approving a zone change from “R-1A”, Single-Family Residential District and “C-1”, Light Commercial District to “PMF”, Planned Multi-Family Residential District with Final Site Narrative. (O-2022-1)

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

Z-2 Z21-052 MENDEZ ROLANDO & MARIO MENDEZ (324 EAST ERWIN STREET)
Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "DBAC", Downtown, Business, Arts and Culture District. (O-2022-2)

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

Z-3 Z21-048 M D DIVINE HOMES LLC (704 EAST OAKWOOD STREET)
Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "R-1B", Single-Family Residential District. (O-2022-3)

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

Z-4 PD21-025 CENTENNIAL PARKWAY (8916 SOUTH BROADWAY AVENUE)
Request that the City Council consider approving a "PCD", Planned Commercial Development final site plan amendment. (O-2022-4)

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

Z-5 A21-006 GENECOV INVESTMENTS LTD
Request that the City Council consider approving the adoption of an ordinance providing for the voluntary annexation of approximately 0.80 acres of land lying adjacent to the present boundary limits of the City of Tyler located west of the intersection of Old Jacksonville Highway and Steel Road. Also consider recommending:
A. The new boundary of the City Limits.
B. The new boundary of the City Council District #2.
C. The new boundary of the Tyler Extraterritorial Jurisdiction.
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 Neighborhood Commercial.
F. Establishment of Original zoning of 0.80 acres of "C-1", Light Commercial District. (O-2022-5)

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

Z-6 Z21-049 DEWS DELORIS (3217 AND 3219 WALTON ROAD)
Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "R-1D", Single-Family Detached and Attached Residential District. (O-2022-6)

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

Z-7 Z21-050 REED DEVELOPMENT COMPANY LLC (2878 GOLDEN ROAD)
Request that the City Council consider approving a zone change from "PUR", Planned Unit Residential District to "R-1A", Single-Family Residential District. (O-2022-7)

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

Z-8 Z21-051 REED DEVELOPMENT COMPANY LLC (2509 DEBBY DRIVE)
Request that the City Council consider approving a zone change from "PUR", Planned Unit Residential District to "R-1A", Single-Family Residential District. (O-2022-8)

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

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 17, by either removing, modifying, or establishing school speed zones for Alvin V. Anderson Educational Complex, Andy Woods Elementary, Bell Elementary, Birdwell Elementary, Clarkston Elementary, Dixie Elementary, Dogan Middle School, Douglas Elementary, Gary Elementary, Griffin Elementary, Hubbard Middle School, Jack Elementary School, Tyler High School, Mattie Jones Elementary, Rice Elementary, Tyler Legacy High, St. Louis Special Education, Stewart Middle School, UT Tyler University Academy, Three Lakes Middle School, and T.K. Gorman Middle and High School. (O-2022-9)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to sign a consulting services agreement with Toole Design to prepare the Downtown Tyler Public Space Design Plan.

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

M-2 Request that the City Council consider authorizing the City Manager to execute an extension of a Professional Services Contract with HDR Inc. for interim city engineering services and project coordination for the City of Tyler in an amount not to exceed \$45,000.

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

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M-3 Request that the City Council consider authorizing the City Manager to execute a new Personal Services Contract with Davis Dickson for interim engineering services and project coordination for the Half Cent Sales Tax program for the City of Tyler in the amount of \$41,000.

Motion by Councilmember Wynne; 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 an engineering contract with C.T. Brannon Corporation in the amount of \$354,000 for the Legacy Trails Extension project.

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

M-5 Request that the City Council consider authorizing the City Manager to execute a contract with National Industrial Maintenance, Inc. for the construction of the 2022 Asphalt Crack Seal Project in the amount of \$238,751.00.

Motion by Councilmember McGee; seconded by Councilmember Curtis; 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 purchase City vehicles and equipment from lowest bidders per Bid 21-079.

C-A-2 Request that the City Council consider adopting a Resolution to authorize the application for and acceptance of Federal Transit Administration (FTA) American Rescue Plan (ARP) Grant Funds in the amount of \$673,589 for the purpose of providing public transportation for the City of Tyler and does not require local match. This Resolution also accepts any grant amendments. (R-2022-1)

C-A-3 Request that the City Council consider approving the Memorandum of Understanding (MOU) for the inter-local agreement for public transportation services with East Texas Council of Governments (ETCOG).

C-A-4 Request that the City Council consider authorizing the City Manager to declare certain City of Tyler vehicles as surplus and ready to be auctioned.

C-A-5 Request that the City Council consider authorizing the City Manager to approve the price increase of \$7,022 per bus for the purchase of (4) Low Floor Fixed Route Buses. The new total purchase cost is \$718,088.

- C-A-6** Request that the City Council consider approving final payment and releasing retainage in the amount of \$8,148.42 to Reynolds and Kay, LTD, for the 2021 Seal Coat Program Project.
- C-A-7** Request that the City Council consider approving final payment and releasing retainage in the amount of \$29,329.66 to Reynolds & Kay, LTD., for construction of the Flat Rock Drainage Improvements.
- C-A-8** Request that the City Council ratify the expenditure of \$91,198.80 for the mandated Public Water System Fee to the Texas Commission on Environmental Quality.
- C-A-9** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1007 East Elm within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-2)
- C-A-10** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 706 West Line within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-3)
- C-A-11** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2403 North Industrial within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-4)
- C-A-12** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 906 Turner within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-5)
- C-A-13** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 3220 Fairlawn within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-6)
- C-A-14** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 3212 Fairlawn within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-7)
- C-A-15** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 698 West Line within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-8)
- C-A-16** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 3216 Commonwealth within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-9)
- C-A-17** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1204 East Erwin within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-10)

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C-A-18 Request that the City Council consider ratifying staff action for the emergency replacement of the VAV heating and cooling system located at Tyler Pounds Regional Airport.

C-A-19 Request that the City Council consider ratifying a payment to the Texas Department of Transportation, in the amount of \$28,012 for the Legacy Trails Extension project.

C-A-20 Request that the City Council consider authorizing payments to the Texas Department of Transportation, for a total amount of \$21,472.08, for the 2020 Highway Safety Improvement Projects.

C-A-21 Request that the City Council consider approving final payment, ratifying change order No. 1 and releasing retainage in the amount of \$2,906.57 to Crown Civil Construction Corp., for the 2021 Utility Cut Brick Street Repair Project.

C-A-22 Request that the City Council consider approving final payment and releasing retainage in the amount of \$27,120.00 to Highway 19 Construction, LLC, for the Shiloh Road bridge Rehab Concrete RipRap Replacement.

C-A-23 Request that the City Council consider authorizing the City Manager to ratify a reconciliation change order that will increase the contract amount by \$7,868.91 and the release of final retainage payment in the amount of \$27,154.70 to C & A Construction for the Type D Sewer Creek Crossing Replacement Standard Bid, 21-049.

C-A-24 Request that the City Council consider authorizing the City Manager to release a sanitary sewer easement across part of Lenora Woldert Estate Addition, NCB 501-T.

C-A-25 Request that the City Council consider authorizing the City Manager to execute a reconciliation change order that will increase the contract amount by 6.4 percent (\$6,257.00), and of the release of the final payment and retainage in the amount of \$103,939.60 to Vortex Companies, LLC for the Storm Drain Repair - College and 4th, TASB BuyBoard Contract #635-21 project.

C-A-26 Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property located near 12378 S. Hillcreek Road to Mark A. Davis and Leticia R. Davis.

C-A-27 Request that the City Council consider authorizing the City Manager to execute an easement agreement with John Kevin Taylor and Debora Lee Taylor for access and utilities along a portion of the roadway leading from Farm-to-Market (FM) Road 2661 to the Lake Palestine Raw Water Pump Station located at 19310 FM 2661, Flint, TX.

Motion by Councilmember Curtis to approve the entire consent agenda; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Traffic operations- the new traffic installation has begun regarding traffic signals, 17 new vehicle detection camera systems have been installed and are operational.

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2. Rose complex- The walls of the building started going up last week and are continuing to go up. We are running into a little bit of a snag in relationship to some electrical boxes that are still needed and so we will continue to monitor to see if that's going to cause us any type of setback, but other than that everything else is on schedule.
3. Library-The 3rd Annual Winter Reading Challenge wrapped up Friday, January 7. This year, 105 completed the challenge which includes 44 adults and 61 kids of all ages! This was a 61% increase in total completions from the first winter challenge in 2019, and a 43% increase in total completions from last year's winter challenge in 2020.
4. In relationship to COVID 19 and the Omicron Variant it is starting to cause impact on services with the city and an email or press release will go out today in relationship to utility billing and different hours due to staffing issues. We have already instituted different hours with Municipal Court due to staffing concerns. Police and Fire continues to monitor their activity which is causing a drain on overtime because of the amount of people we need to pull in to be able to man trucks in the fire department as well as continue patrolling the streets for police.

Mayor Warren – Happy birthday to Councilmember Westbrook.

ADJOURNMENT

Motion by Councilmember McGee to adjourn the meeting at 9:53 am; seconded by Councilmember Curtis; 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

