

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 26, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 26, 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
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	April Earley
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Stephen Thompson
Managing Director:	ReNissa Wade
Planning Manager:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Parks Director:	Leanne Robinette
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Wynne.

MINUTES

Motion by Councilmember Westbrook to approve the November 10, 2021 minutes; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

AWARDS

- A-1 Request that the City Council consider accepting the "Certificate of Achievement Award for Excellence in Financial Reporting" from the Government Finance Officers**

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Association (GFOA) of the United States and Canada for the City of Tyler's Fiscal Year 2019-2020 Comprehensive Annual Financial Report.

- A-2 Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. They represent 40 years of service with the City of Tyler.**

**Ascencion Baldovinos, Crew Leader, 20 years of service
Deborah Isham, Goodman & Special Event Supervisor, 20 years of service**

ZONING

- Z-1 ZA21-002 UNIFIED DEVELOPMENT CODE (20 YEAR CITY LIMITS)
Request that the City Council consider approving an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 2001 is part of the City. (O-2022-10)**

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

- Z-2 Z21-055 TYLER ECONOMIC DEVELOPMENT COUNCIL (2408 ROBERTSON ROAD)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "M-1", Light Industrial District. (O-2022-11)**

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

- Z-3 PD21-026 LEE JOANN & CAROL ANN ROWLAND (3809 HIGHWAY 64 WEST)
Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "PCD", Planned Commercial District with final site plan. (O-2022-12)**

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

- Z-4 C21-014 ANA MARIA GONZALES (AN UNIMPROVED PORTION OF COATS DRIVE)
Request that the City Council consider approving the closure of an unimproved portion of Coats Drive. (O-2022-13)**

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

- Z-5 Z21-056 OAK INDUSTRIAL PARK LLC (6510 TIMBER WAY)**

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Request that the City Council consider approving a zone change from "C-2", General Commercial District to "R-1B", Single-Family Residential District. (O-2022-14)

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

Z-6

A21-008 WERNER-TAYLOR LAND & DEVELOPMENT LP

Request that the City Council consider adoption of an ordinance providing for the voluntary annexation of approximately 14.37 acres of land lying adjacent to the present boundary limits of the City of Tyler located south of the intersection of Forest Ridge Cove and Crosslake Boulevard. 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 Single-Family Medium/Low Density.

F. Establishment of Original zoning of 14.37 acres of "R-1B", Single-Family Residential District. (O-2022-15)

Motion by Councilmember McGee; seconded by Mayor Pro Tem 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 to amend long-term parking fees for City-provided parking areas surrounding the Westside Terminal Site at Tyler Pounds Regional Airport. (O-2022-16)

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

O-2

Request that the City Council consider approving the sale of Tyler Water and Sewer System Revenue Bonds, New Series 2022. (O-2022-17)

Steven Adams, Specialized Public Finance, Inc. – Gave a presentation on the Tyler Water and Sewer System Revenue Bonds, New Series 2022.

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

MISCELLANEOUS

M-1

Request that the City Council consider authorizing the City Manager to execute a contract with Paragon Construction for the renovation of the Police Department

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Ferguson Street Station Men's Restroom and Showers in the amount not to exceed \$128,316.63.

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

- M-2 Request that the City Council consider authorizing the City Manager to engage Garrett & Associates to repair damaged curb and gutter and a driveway approach on N. Grand Street in association with the Neighborhood Services Renovations Phase 2 project in an amount not to exceed \$48,045.00.**

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

- M-3 Request that the City Council consider authorizing the City Manager to enter into an agreement with Halff Associates Inc. to prepare Noble E. Young Park design plans, in the amount of \$77,000.**

Motion by Councilmember McGee; seconded by Mayor Pro Tem 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 approving final payment and releasing retainage in the amount of \$2,686.94 to C.E. Marler & Associates, Inc. for the 2021 Community Development Block Grant (CDBG) Sidewalk Improvements project.**

- C-A-2 Request that the City Council consider authorizing the City Manager to purchase one (1) current year model International MV607 truck with a Warren dumping bed and a skid steer attachment from Price International for \$138,812.13 for the Street Department.**

- C-A-3 Request that the City Council consider authorizing the City Manager to purchase one (1) current year model Ford F250 4X2 truck with a utility bed from Tyler Ford for a purchase price of \$48,032.10 for the Traffic Department.**

- C-A-4 Request that the City Council consider authorizing the City Manager to sign a "Letter of Engagement for Professional Internal Audit Services" with Henry & Peters to perform the Fiscal Year 2021-2022 Internal Audits for a total combined maximum fee including all out of pocket expenses not to exceed \$59,375.**

- C-A-5 Request that the City Council consider approving final payment and releasing retainage in the amount of \$61,802.22 to L. S. Equipment Co. Inc., for the 2020 Asphalt Enhancement Project.**

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- C-A-6** Request that the City Council consider authorizing the City Manager and Chief of Police to enter into a Memorandum of Understanding between Tyler Police Department and U.S. Department of Veterans Affairs, Dallas VA Healthcare System in order to establish a general working relationship between the Dallas VAHCS Police Services and the Tyler Police Department.
- C-A-7** Request that the City Council consider accepting a donation made to the Fire Department in the amount of \$50,000.00 from an anonymous donor.
- C-A-8** Request that the City Council consider authorizing the City Manager to execute the Consent of Assignment of the Fixed Base Operator Lease of Airport Lease Tract 9 from Smith Aviation, LLC, to 619 Leasing, LLC, approve Consent to Mortgage pursuant to Article I, Section H of the Lease, and a new 20 year Lease for 619 Leasing, LLC for Tract 9.
- C-A-9** Request that the City Council consider authorizing the City Manager to execute a new Fixed Base Operator Lease to Term Properties for 7.03 acres of Tract 2 at Tyler Pounds Regional Airport.
- C-A-10** Request that the City Council consider authorizing the City Manager to execute a new Corporate Hangar Lease to Triad Aviation, LLC for .919 acres of Tract 2 at Tyler Pounds Regional Airport.
- C-A-11** Request that the City Council consider authorizing the City Manager to execute an Agreement for Professional Engineering Services with Halff Associates, Inc., with a not-to-exceed fee of \$75,000, for development plan review services.

Motion by Councilmember Westbrook to approve the entire consent agenda; seconded by Mayor Pro Tem McKellar; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Noble E Young park improvements have begun with replacing the pavilion, replacing the restrooms, installing new playground equipment, adding a walking trail, adding sidewalks, and creating an outdoor exercise area with ADA-accessible equipment. The renovations should be completed by the end of July.
2. A request came in for the Northside Park requesting ADA parking and sidewalks.
3. Sales Tax collected as of January 22 we have collected about 4.9 million dollars for November 2021.
4. Mayor Warren – recognized students from UT Tyler that are going through the mentor, mentee program.

EXECUTIVE SESSION – City Council convened from executive session at 9:42 am

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:

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Executive Session Item No. 1:

Under Tex. Gov't Code section 551.071 "Litigation", deliberation regarding the following:
Pending or contemplated litigation involving the East Texas Municipal Utility District and City of Tyler.

Pending or contemplated litigation involving City of Tyler and Netflix, Inc., Hulu LLC, Disney DTC LLC, and other video service providers.

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.

Executive Session Item No. 2:

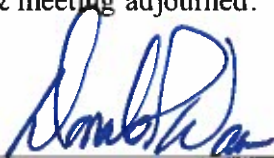
Under Texas Gov't Code Section 551.087 "Economic Development", deliberation regarding the following:

Possible offer of financial or other incentive to a prospect, and to consider financial and other information about that prospect/project with which the City is conducting economic development negotiations that could lead to a partnership in Tyler.

City Council reconvened from executive session at 10:43 am with no action taken.

ADJOURNMENT

Motion by Councilmember McGee to adjourn the meeting at 10:43 am; seconded by Mayor Pro Tem McKellar; motion carried 7 – 0 & meeting adjourned.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

