

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
May 10, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 10, 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:	James Wynne
Mayor Pro Tem:	Brad Curtis
Councilmembers:	Stuart Hene
	Shirley McKellar (Absent)
	Broderick McGee
	Bob Westbrook
	Lloyd Nichols
	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
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Airport Manager:	Stephen Thompson
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
Code Enforcement Manager:	Chris Lennon
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 Councilmember Hene.

**MINUTES**

Motion by Councilmember Westbrook to approve the April 12, 2023 minutes; seconded by Mayor Pro Tem Wynne; motion carried 6 - 0 & approved as presented.

Councilmembers gave fair well wishes to Councilmember Westbrook.

**ELECTION**

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- E-1 Request that a Certificate of Election and the Oath of Office be administered to the re-elected City Councilmembers for Districts 1 and 3.**

Judge Amy McCullough administered the Oath of Office to the re-elected City Councilmember Stuart Hene.

- E-2 Request that a Certificate of Election and the Oath of Office be administered to the newly elected City Councilmember for District No. 5**

Judge Jim Huggler administered the Oath of Office to the newly elected City Councilmember Lloyd Nichols.

- E-3 Request that the City Council consider electing a Mayor Pro Tem.**

Motion by Councilmember Hene to appoint Councilmember Curtis; seconded by Councilmember McGee; 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 number of authorized Civil Service firefighter positions for Fiscal Year 2022-2023. (O-2023-34)**

Motion by Councilmember Hene; seconded by Mayor Pro Tem Curtis; motion carried 6 - 0 & approved as presented.

- O-2 Request that the City Council consider adoption of an Ordinance amending the Fiscal Year 2022-2023 Budget to provide funding to complete various Fire Grants that include the Assistance to Firefighters Grant (AFG) and 2021 FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant. (O-2023-35)**

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

- O-3 Request that the City Council consider adoption of an Ordinance approving appointments to the Boards of Directors of the Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3) and Tyler Redevelopment Authority. (O-2023-36)**

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

- O-4 Request that the City Council consider adoption of an Ordinance approving appointments to the Board of Directors of the Tax Increment Reinvestment Zone No. 4 (TIRZ No. 4). (O-2023-37)**

Motion by Councilmember Wynne; to appoint Councilmember Hene into position four and the correction Commissioner Neal Franklin to Judge Neal Franklin for position six(6); seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

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**MISCELLANEOUS**

- M-1 Request that the City Council consider accepting the annual review of City of Tyler property tax abatements regarding Hiland Dairy, Homeland Title, Hood Packaging, and Trane.**

Motion by Mayor Pro Tem Curtis; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

- M-2 Request that the City Council consider adopting an Ordinance approving application for and authorizing acceptance of the Texas Historical Commission Certified Local Government Grant Contract number TX-21-10010 in the amount of \$6,676 for the purpose of funding the Mayfair Building National Historic Landmark Nomination and authorizing the City's local match in the amount of \$6,676. (O-2023-38)**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute a professional services Engineering-Architect contract with ERI Consulting Inc. for overseeing asbestos removal and demolition of 515 East Erwin St., Tyler, Texas in an amount not to exceed \$58,000.**

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

**BOARDS**

- B-1 Request that the City Council consider appointing a member to the Planning & Zoning Commission and the Half Cent Sales Tax board.**

Motion by Councilmember Nichols to appoint Michael Carmichael to Planning & Zoning and Bob Westbrook to the Half Cent Sales Tax Board; seconded by Councilmember Wynne; 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 approval and ratification of an Interlocal Agreement between the City of Tyler and the University of Texas at Tyler for advertising at Tyler Pounds Regional Airport.**

- C-A-2 Request that the City Council consider approving final payment and releasing retainage in the amount of \$29,308.32 to Reynolds and Kay, LTD, for the 2022 Asphalt Enhancement Project.**

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- C-A-3** Request that the City Council consider authorizing the City Manager to declare and approve Tyler Police Department WatchGuard body camera equipment, valued at approximately \$2,000, as surplus and authorize the donation of same to the Troup (TX) Police Department to use for law enforcement purposes.
- C-A-4** Request that the City Council consider authorizing funds for a Personal Services Contract with Charles H. Samson, III, for design and project management of City of Tyler capital improvement projects in the amount of \$50,000.
- C-A-5** Request that the City Council consider authorizing the City Manager to allocate funds for a Personal Services Contract with Davis Dickson for general consultant services and project coordination for the Half Cent Sales Tax Program for the City of Tyler in the amount of \$30,000.
- C-A-6** Request that the City Council consider accepting the local share of the Final Reconciliation Change Order increasing the total local share by \$8,527.38, approving final acceptance, and release of retainage in the amount of \$27,948.92 to Stripe-A-Zone, Inc. for the Tyler Bike Stripes Project.
- C-A-7** Request the City Council consider authorizing the City Manager to approve TCMC (The Construction Management Company) to repair the men's restroom at the Oakwood Complex in the amount of \$38,919.60.
- C-A-8** Request that the City Council consider authorizing the City Manager to execute the Consent of Assignment of the Hangar Operator Lease from J C Harder and Beverly Harder Family Trust, to Cabero Aviation, LLC., amendment of said lease, and approve Consent to Mortgage pursuant to Article I, Section H of the Lease at Tyler Pounds Regional Airport.
- C-A-9** Request that the City Council consider approving final payment and retainage to Morton Enterprise, for the 2023 Asphalt Crack Seal Project in the amount of \$429,919.00.
- C-A-10** Request that the City Council consider authorizing the City Manager to apply for and accept Smith County 9-1-1 District participation funding for facility upgrades to the Tyler Police Department's Public Safety Answering Point (PSAP), in the amount of \$25,000.00.
- C-A-11** Request that the City Council consider approval and ratification of a Pipeline Crossing Agreement between the City of Tyler and North Forty Undertaking, LLC. The Agreement relates to installation of an underground pipe for transporting and conveying potable water, connected to the City of Tyler water system, and crossing Union Pacific Railroad Property in the City of Tyler Extraterritorial Jurisdiction near Whitehouse, Texas.

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

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## CITY MANAGER'S REPORT

1. First thing, I want to recognize is that this is Public Service Recognition Week, so we've been doing a lot of activities to recognize and thank all of our City Staff that just do incredible work every day on behalf of the citizens of Tyler. I know we've got a number of them as far of our staff today and so, we're very grateful to them and I think you all are going to be able to come by tomorrow to say a few words to them and they're looking very much forward to that.
2. The second point is on one of the things that Tyler Water Utilities and City of Tyler Engineering Department looked at how they can continue to improve on contractor outreach and let them know what projects are coming forth. They will make their way to Council and begin work. They actually had a Joint Capital Improvement Program projects briefing last week at the Rose Garden Center that was well attended by our contractors in the area and allowed for our engineering and utility staff to give them updates and presentations on different projects that are coming up so they as contractors can look at those and see if there are opportunities for them to be able to bid on those as they come forward and be able to get a better understanding of those projects and continue to dialogue between these as far as vital components to sustain the infrastructure and the development and growth of our community.
3. I see Steve Thompson back there and want to say congratulations to them as they, the Tyler Pounds Regional Airport, passed their annual certification inspection by the FAA. They came through and found no issues, in fact, they had very high remarks about our airport staff and the condition of the airport. We thank Mr. Thompson for the great work that he and his crews are doing out there every day. One of the comments the inspector made was, "We commend you for the procedures you are using in day to day operation at the airport. The appearance of the airport indicates they are effective." I know that sounds kind of vanilla, but from an FAA Inspector that's high, high praise, so we're very excited about that.
4. One of the things in the news, especially with some of the situations we saw this weekend in Allen, Texas as far as shootings that occur throughout our nation, we want to make sure that our community knows that the Tyler Police Department has the opportunity to help train people in how to respond to active shooter events. They have a class that they teach called The Civilian Response to Active Shooter Events Training and these trainings have been done throughout our community for different banks, schools, and other types of institution. Our two Community Response Officers, Scott Barren and Braden Barns are the ones that provide teaching for the class. I actually went through the one that Scott does. It is excellent. They have in the first five months of this year, they have presented nine times on this class. If there are people in the community who are concerned because it could happen anywhere at any time and want to have a better understanding of what to do if that situation occurs, then we recommend they reach out to the Tyler Police Department and look to sign up for those. There's numerous different things to be mindful for, but one of the things Scott Barren talks about is often people just start to panic and you don't understand you're panicking when you're panicking. This class helps you understand how to get focused really quickly and be able to work to get out of that situation as quickly as you can. We recommend that if anyone is interested, again, reach out to the Tyler Police Department. They're there to assist you with being prepared.
5. Finally, next week on Thursday May 18, we will celebrate the State of the City Address with Mayor Warren at the W.T. Brookshire Conference Center and so we're looking very much forward to that event. We appreciate the work that you as council members have done behind the scenes getting ready for the videos. That is going to be a really

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spectacular event and again we thank you, the Mayor, and we'll see how it turns out. Now, it falls on his shoulders, but he's ready.

**ADJOURNMENT**

Motion by Councilmember Wynne to adjourn the meeting at 9:50 am; seconded by Mayor Pro Tem Curtis; motion carried 6 - 0 & meeting adjourned.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

