

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 14, 2024**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 14, 2024 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
Airport Manager:	Stephen Thompson
Main Street Director:	Amber Varona
Planning Director:	Kyle Kingma
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Project Engineer:	Nikki Ingram
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

Motion by Mayor Pro Tem Curtis to approve the January 10, 2024 minutes; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.

AWARDS

A-1 Request that the City Council consider accepting a commemorative award from Yachiyo, Japan celebrating 30 years of being sister cities.

Laura D'Eramo- Gave a brief experience she had while visiting Yachiyo, Japan.

RESOLUTION

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- R-1 Request that the City Council consider adoption of a Resolution in support of various affordable housing tax credit project proposals and the approval of the waiver of development/permit fees in the amount of \$500 for each awarded project. (R-2024-10)**

Justin Paris, 7925 S. Broadway and Michael Foe- Trinity Housing Development – Tyler Crossing – Asked the City Council to approve 84 units of affordable senior housing for Tyler, which is 55 and older. For both working and retired folks as well.

David Smith, 8506 Carrie Lane, Rowlett, TX. proposing an 84-unit senior development off of Southeast Loop 323.

Quinn Gormley, 15204 Cascade Bluff and David Fournier, 106 Oakview Dr. – They are here for Moore Grocery Lofts – Stated that this is an existing affordable housing. Still, the opportunity to do a full renovation only comes every once in a while, as the stars align with TDHCA. In this particular case, it scores well. Their plan is to use historic tax credits as well as the low-income housing tax credits and completely refurbish the property. This ties well with the downtown initiative.

Motion by Councilmember Wynne to consider the adoption of a resolution for the Reserve of Tyler; seconded by Councilmember McGee; motion carried 7 - 0 & approved as presented.

- R-2 Request that the City Council consider adopting a Resolution authorizing the City Manager, as the designated representative of the City of Tyler, to execute Advanced Funding Agreements (AFA) with the Texas Department of Transportation for the Carbon Reduction Program (CRP), Traffic Signal Detection Upgrades and Pedestrian Signal Installations Projects. (R-2024-11)**

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

- R-3 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of an easement interest across the property owned by Steven A. Pickett and Elaine Hill Almand Pickett providing the necessity and public purpose for sanitary sewer system upgrades near Wynnwood Drive as part of the Consent Decree Program. (R-2024-12)**

Michael Tolbert, 4524 Edinburgh Dr. – Stated that the City Council's first priority is to defend the life, liberty, and property rights of the people. The fact that a higher authority is requiring the City to act in a responsible and proper manner does not diminish the responsibility to advocate for the private property owner. So, he appreciates the question regarding whether there has been contact with the property owners asking for alternative routes. In discussion, regarding the power of eminent domain, it was suggested that a property owner should follow the example of members of the Council. He understands that some members of this Council have encountered easements across their property and were told that they voluntarily and willingly accepted the easement because they were in a financial position, whether it was net worth or income, to make that sacrifice. Not everybody is in that position. So even though the Council may not feel that those crepe myrtles are valuable, the property owner does. So, the Council should not assume that their view of those crepe myrtles is the same as theirs. So please understand that not everybody is in the same

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position. And lastly, he does not know the details of this, whether the current easement runs in the creek or not, but moving in easements from public property to private property suggests a matter of convenience more than necessity. So, let's make sure that every effort is being made to avoid infringing on those private property rights. He asked that the Council be transparent after the motion is made and discuss their position so that the public understands their position on the exercise of eminent domain.

Motion by Councilmember Nichols; seconded by Councilmember McGee; 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 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-2024-20)**

Fire Chief, David Coble – Stated that this would add a Senior Captain to the training staff and delete a Captain from the number, so the overall numbers will not change. They will also take another staff Captain and add it to this training group, so there will be three people there to train the entire department as well as the recruit training class.

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute a construction contract in the amount of \$795,208.20, with A.E. Shull & Company, for the Earl Campbell Gravity Sewer Main project and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2024-13)**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute an engineering services contract, in the amount of \$87,500 with KSA Engineers, Inc. for the South Glenwood Ground Storage Tank Demolition and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2024-14)**

Motion by Councilmember McGee; seconded by Councilmember McKellar; 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 the amount of \$85,000 with KSA Engineers, Inc. for the Bellwood Lift Station Improvements Design Survey and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2024-15)**

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Motion by Mayor Pro Tem Curtis; seconded by Councilmember McGee; 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 a contract with Donelson Construction Company, LLC, for the construction of the 2024 Tyler Pressure Pave Project in the amount of \$487,726.20.**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase (4) tractor trucks that can haul waste sludge for Waste Collection from Holt Truck Centers Tyler, Texas BuyBoard contract 687-222 for a purchase price for each truck of \$173,300 less a trade in allowance for used truck of \$74,700 leaving a purchase cost of \$98,600.00 per truck. The total purchase is \$394,400.00.**
- C-A-3 Request that the City Council consider authorizing the City Manager to execute a contract in the amount of \$69,100 for professional facilitation services with The Management Connection for the High Achieving Leaders (HAL) Development Program to occur in calendar year 2024.**
- C-A-4 Request that the City Council consider authorizing the City Manager to purchase two (2) pull-behind blower units from the lowest bidder, Turf and Soil Management for a total cost of \$20,503.86.**
- C-A-5 Request that the City Council consider authorizing the City Manager to purchase fifteen (15) Chevrolet Tahoe Police Pursuit Vehicles (PPV) for the Police Department from Tyler Motor Company / Hall Chevrolet for \$55,000.00 per unit for a total purchase of \$825,000.00.**
- C-A-6 Request that the City Council consider adopting a Resolution calling an election for May 4, 2024, to fill the offices of the Mayor-at-Large and the Tyler City Council Members for Single Member District Numbers 2, 4 and 6 on the Tyler City Council, and calling for a joint election with Smith County. (R-2024-16)**
- C-A-7 Request that the City Council consider authorizing the City Manager to execute an Interlocal Elections Contract with Smith County to perform certain joint elections services for the City Council Election to be held May 4, 2024.**
- C-A-8 Request that the City Council consider authorizing the City Manager ratify the purchase of 10 Ford Explorers with the PPV package and upfit from Dana Safety of Fort Worth, Texas for a total purchase price of \$737,260.00 through Buyboard Contract 698-23.**
- C-A-9 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order and release of final payment and retainage with L&L**

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Asphalt Corporation for the construction of the Vehicle Services Parking Lot Reconstruction Project Phase II in the amount of \$38,975.00.

- C-A-10 Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Heartbeat Construction for the Repair of Inlet Boxes - 2023 project, decreasing the approved contract amount by \$5,601.00, from \$218,366.00 to \$212,765.00.**
- C-A-11 Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Precision Civil, LLC for the 321 Amberwood Circle Outfall Repair project, for the original contract amount of \$9,852.00.**
- C-A-12 Request that the City Council consider authorizing the City Manager to purchase a Kubota RTV520D utility vehicle for Southside Waste Treatment Plant from Lowe Tractor in Tyler Buyboard contract 706-23 for \$12,145.49.**
- C-A-13 Request that the City Council consider authorizing the City Manager to purchase (2) two 52" mowers from Tyler Power Equipment for Code Enforcement and Waste Treatment for a total purchase cost of \$19,998.00.**
- C-A-14 Request that the City Council consider authorizing the City Manager to purchase (2) two 6" brush mowers from Lowe tractor through Buyboard contract 706-23, for Code Enforcement and Street Department for a total purchase cost of \$9,515.00.**
- C-A-15 Request that the City Council consider authorizing the City Manager to execute Work Order No. 5 Amendment #3 to KSA Engineers, Inc. This is necessary to add compensation for construction administration for construction, and materials testing will be reduced to reflect the actual cost incurred in the Airport Fencing and Security Improvements project for a total increase in cost of \$11,114.00.**
- C-A-16 Request that the City Council consider authorizing the City Manager to execute an amendment of an Airport Auto Rental Lease between the City of Tyler and The Hertz Corporation at Tyler Pounds Regional Airport.**
- C-A-17 Request that the City Council consider authorizing the City Manager to execute an amendment of an Airport Auto Rental Lease between the City of Tyler and EAN Holdings, LLC dba Enterprise Rent-A-Car at Tyler Pounds Regional Airport.**
- C-A-18 Request that the City Council consider authorizing the City Manager to execute an amendment of an Airport Auto Rental Lease between the City of Tyler and EAN Holdings, LLC dba National Car Rental at Tyler Pounds Regional Airport.**

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

CITY MANAGER'S REPORT

1. On Sunday morning, as y'all probably were all awoken by the hailstorm that was pretty massive. One of the things that we experienced, really the only damage we had, was regarding a lightning strike that happened at the Golden Road Water Treatment Plant. And so, with that lightning damage, it affected electronic equipment throughout the plant. It was determined that the plant could no longer remain in operation and had to be shut

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down. At that point on Sunday morning, the Lake Palestine Water Treatment Plant increased production to supply the entire City with water. We were kind of concerned about, well, how long would this take to get back into operation? Would it be as far as 24, 48 hours, somewhere in that time frame? And I want to just as far as give gratitude for the staff there. Because they worked to resolve as many issues as possible. And called the vendors for support that was necessary to resolve the problems further. All of them worked together to find a solution to the issues to get the plant back in operation as soon as possible. After spending most of the day offline, the Golden Road Water Treatment Plant was back in production that night. While it would take quite a while to fully replace all the damaged equipment from the lightning strike, the efforts of staff and our vendor resulted in a rapid response that effectively meant the plant was back in service much faster than anyone could have anticipated. And so, we say a thank you to the following Tyler Water Utilities water production staff members. Scott Logue was the Chief Operator. Ken Johnson, Plant Operator 2. Mark Hagen, Plant Operator 2. Jordan Reisner, Plant Operator 2. Ben Sandoval, Plant Operator 2. Rick Sanders, Plant Operator 3. And who assisted by phone and with David Lowe who was our consultant on the project. We're especially gracious to them for just their hard work and ingenuity in taking something that could have been down for a considerable few days and getting it back up and in operation very quickly.

2. Shiloh Road water tower improvement. The Shiloh Road elevated storage tank rehabilitation project has moved down to the underground phase upon completion of the above ground tank painting and rehabilitation that was completed by the end of last year. The package booster pump station was scheduled to arrive pretty much in mid-February so about this point to hit another project milestone. The City was recently informed of a long lead time for the 480-volt electric panel that will be here about August of 2024. This lead time is the result of supply chain backups that have been seen across multiple projects with similar equipment.
3. We want to give our thanks and gratitude to the Smith County Master Gardeners who helped to clear out some of the beds at the Goodman-LeGrand Museum to prepare for spring plantings. Many new plants, shrubs and trees will be coming to the Goodman-LeGrand Museum grounds this Spring in preparation for the bee observatory that we're moving over there. It's a member of Bee City. That will be a move from the Tyler Rose Garden to the Goodman grounds.
4. Finally, this Saturday, if you're like me and you want to pick up tree seedlings that will probably die because you don't know how to take care of them properly. The Tyler Trees Committee will be handing out free tree seedlings at the Christus Trinity Mother Francis Hospital in South Tyler from 8 a.m. to noon. Those actually go very quickly. A good amount of people come out to be able to enjoy that.

Councilmember Wynne – Commended the Tyler Street Department and our Bridge Street Contractor, Art Riley, for the work they did over in Dobbs College area. The neighbors are very appreciative.

Councilmember McKellar – First, I want to say happy Black History Month to everyone and the City of Tyler and Tyler Independent School District is collaborating. It's been an amazing program and I'd like to see some of our colleagues that's on the bench here to attend. The next program is Sunday and it's "Our Faith" will be held at Brookhill Park

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from 3 until 5. We will end with a banquet that will be on March 1st at Willowbrook Country Club at 6pm. So, I would like to see some show up for this Black History Program. They've been outstanding. Thank you.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:22 am; seconded by Councilmember McGee; motion carried 7 - 0 & meeting adjourned.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

