

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 28, 2024**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 28, 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 (absent)
Councilmembers:	Stuart Hene Shirley McKellar Broderick McGee James Wynne Lloyd Nichols
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
City Attorney:	Deborah G. Pullum
Senior Asst. City Attorney:	April Earley
Senior Asst. City Attorney:	Alesha Buckner
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Librarian:	Ashley Taylor
Code Enforcement Manager:	Chris Lennon
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Director of Utilities:	Kate Dietz
Parks Director:	Leanne Robinette
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Mayor Warren.

MINUTES

Motion by Councilmember Wynne to approve the January 24, 2024 minutes; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

AWARDS

A-1 Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. They represent 220 years of service with the City of Tyler.

Jon Wilbeck, Firefighter X, 20 years of service
Daniel Smith, Fire Battalion Chief I, 20 years of service
Thomas Malcom, Fire Driver Engineer III, 20 years of service
Joey Hooton, Fire Marshal, 20 years of service
Devin Grider, Fire Captain II, 20 years of service
Nathan Elliott, Police Officer XIII, 25 years of service

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David Hall, Police Sgt IV, 30 years of service
David Long, Assistant Police Chief III, 30 years of service
Jimmie Frater, Building Maintenance Worker, 35 years of service

A-2 Request that the City Council consider recognizing the following Infants at Work participants for their program participation. They represent 8 months of service with the City of Tyler.

Itzel Garcia, Infants at Work - Neighborhood Services, 4 months
Tyler Johnson, Infants at Work - Parks, 4 months

ZONING

Z-1 C23-010 BRYAN ASHTON LLC (A PORTION OF AN UNIMPROVED ALLEY RIGHT-OF-WAY)
Request that the City Council consider adoption of an Ordinance approving the closure of a portion of an unimproved alley right-of-way adjacent to 108 Adams Avenue. **(O-2024-21)**

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

Z-2 Z23-050 BRYAN ASHTON LLC (108 ADAMS AVENUE)
Request that the City Council consider adoption of an Ordinance approving a zone change from "M-1", Light Industrial District to "DBAC", Downtown Business, Arts and Culture District. **(O-2024-22)**

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

Z-3 Z23-047 JOHNSON TIMOTHY W & DEBRA W (402 EAST 4TH STREET)
Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1B", Single-Family Residential District to "AR", Adaptive Reuse District. **(O-2024-23)**

Debra Johnson 402 E 4th St. – Stated that she and her husband have been in the area for over 20 years. She and her husband are retired, and she has a notary license that she has had for many years. She has wanted to put a small sign out front by the sidewalk in the front and advertise that, but also maybe take in a little business. It's not something that would be a lot of traffic at all. She stated that they live there, and our parking is on the Donnybrook side. We have a three-car garage, and it's on the Donnybrook side. So the parking for anybody that would come to my home would be in the front. And in front of that fence in the gate there's two parking, and right in front of the house there's at least two parking areas. So I don't foresee, but maybe one person here and there that would come, and I would direct them to the front. So we'll be there. We've been there 24 years, but it's just something I would like to do is put a sign out. But I wasn't going to do that unless you all approved it.

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Mayor Warren -Stated that he does not live far from the property, and a commercial business behind him. At one point an attorney's office asked if he would be opposed to them purchasing a house next to him, to add on to their attorney's office. And he said, I don't want to be at my house next to an office. And so, you know, I don't know how to say this, but it seems like almost a drastic zoning change that will be with the property forever just for notary. And I don't know if a special use permit, if you can have a sign with a special use permit.

Motion by Councilmember Wynne to approve a special use permit for a three-year period of time for a notary office; seconded by Councilmember Hene; motion carried 6 - 0 & approved as presented.

Z-4

PD23-028 GLENWOOD CHURCH OF CHRIST (5216, 5300, 5324, 5358, 5378 AND 5410 HOLLYTREE DRIVE)

Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1A", Single-Family Residential District and "R-MF", Multi-Family Residential District to "PUR", Planned Unit Residential District with Final Site Plan.

Mayor Warren- Stated that we go in there and we do the zoning change, and they build ten houses right before we finish the drainage study. And the drainage study says we need to go in there and put in retaining walls and all this work. But all of a sudden we've got all these houses in the way. But to me it seems like we're getting a cart in front of the horse.

Councilmember Hene- Stated that his concern in addition to the drainage issues is the consistency, or lack thereof, when you move it from the south end to the north end of the residential and the PUR, and then you have that RPO there, is it possible to keep that section between the church and that current RPO, make that RPO so there's some consistency there?

Mike Smith, 1310 Bellhaven Court- Stated that he wanted to clarify that he is going from six lots to nine lots, not ten. And to address your concern about the access, the south most lot, the Planning and Zoning required us to do an easement. We're going to be able to get from Holly Tree Drive back to the channel that runs back there.

Councilmember Nichols- Stated our concern is not access to maintain but making it more stable so maybe we don't have to maintain as much and need that access. So, it literally runs the whole length of the development, stabilizing that whole bank.

Councilmember Hene- Stated there's one office smashed in between houses. And if you go back and look at the previous zoning issue that just came up, there was a hesitation to change that zoning because of what was around it. And I get the stuff across the street was different, but if you look at what was behind that law firm and those other offices, it wasn't RB1, which, you know, she was wanting to change hers, but everything around hers was RB1. If you look at this specific instance, it's the exact same thing. What you have next to it is not consistent. You have the residential down south and then it jumps to RPO, so why not keep it consistent and keep it or change it to RPO?

Mike Smith: What is RPO? I don't remember.

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Councilmember Hene: You can have a small professional office.

Mike Smith: I mean that is the only RPO.

Councilmember Hene That's my point. Why does it need to be in the middle of residential right above it and residential right below it?

Mike Smith- Stated I am building single family houses. I'm not following you at all. Is there something I'm not understanding? There's the one office and everything on either side of the property, with the exception of the church, is residential. I mean, as it sits right now, I could build six houses with six curb cuts onto Holly Tree Drive, and all I'm wanting to do is go from six lots to nine lots with two curb cuts on Holly Tree Drive, one at the south end, one at the north end, just exactly like what is built. You showed the picture earlier, further south. It's the same, the exact same thing.

City Manager, Edward Broussard – Stated I think what the Council was asking about is the fact that you have, you're going on Holly Tree Drive from a church, so kind of an institutional use, and then there's the office piece in between, and logic dictates that perhaps the highest and best use is then not single family residential that's along there, or just residential, but instead is there some type of buffer use, such as offices, that could go along that Holly Tree Drive component across from the apartment complexes versus more residential? Are you primarily just a residential home builder is that your trade?

Mike Smith -Stated, Yes, I don't have any interest in building a commercial.

Mayor Warren - Asked how do we keep from having another Ashmore? How do we deal with the drainage in construction of houses, drainage study, houses falling off into a creek, us having to pay with taxpayer money to fix something after the fact? How do we protect ourselves?

Darren Jennings, City Engineer - How do we protect ourselves? We enforce what's already on the books, basically, where there is an easement, but it's not dedicated to the city that the homeowner or property owner is responsible for any maintenance on that creek, period. It is not up to us. Now, they are building all these lots that are pretty much in the floodplain, almost exclusively in the floodplain. Not the floodway. We have a restriction. You cannot build in the floodway whatsoever. We do not have a restriction. You cannot build in the floodplain. So, they are building in the floodplain, so it was going to constrict a little bit more and make the water go a little bit faster, I believe, potentially, by doing that, which is probably why these lots are not built upon at the current time. They're one of the last ones in the area. But as far as developing these commercial versus the residential, there's not going to be a lot of difference. We're going to have to deal with nine homeowners rather than six will be about it. But it is their responsibility to do it, and we'll have to start enforcing that instead of us having to pay for it.

Councilmember Wynne - So like Lot 29, which is a southern most lot, and the picture, 29,30-31 of the largest lots, and you can see the channel way going through there. How far back

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does a potential homeowner have to build away from that channel to have any structure? And their maintenance is their total property into the channel?

Darren Jennings, City Engineer – Correct, that is correct. The property owner is responsible if there's not an easement dedicated to the city.

Councilmember Nichols- Stated so here's the challenge I see. It's just like you said, that property owner build six or nine homes. The developer, the builder builds them, sells them, and then that individual property owner, when they have issues, find out they're responsible because they're, let's say, bank stabilization, engineered to a certain standard because it just wasn't done. How do we as a city make sure, in an instance like this, that the developer engineers the proper bank stabilization so that later down the road, the individual homeowner isn't coming to the city saying we've got erosion?

Darren Jennings, City Engineer – Stated just maintaining it rather than having to actually do it themselves. That is just a part of the process we would have to, I believe you could probably say that. We need to make sure that the developer develops these lots and basically stabilizes the creek against any erosion because that's what we're running into previously on the opposite side that the backyards are starting to cave in and just erosion was not, the banks were not stabilized on that. So, we could do that as part of the long range plans or as part of the contingent upon, you can make approval of this maybe with legal advice, contingent upon stabilization of the creek banks on these sides.

Councilmember Wynne – Stated he agreed with that, Darren, but we don't have our study back yet that's going to tell us how the best way to do that. We may ask the developer and may give them certain requirements, but then we get our study back and we didn't give them the right information. So then, you know, we've got a study that says one thing, but we told someone else. So, does that then put the liability back on the city?

Darren Jennings, City Engineer: It can, I would think.

Councilmember Nichols – Stated from what I understand just with the developer here is there hadn't been adequate or really any discussion because the questions he's been posed by Councilman Hene and some other questions, you know, these are kind of broadside because he just bought the property. So how do we get a conversation between he and the city and the engineers and drainage to understand what's going on here and what we're talking about?

Darren Jennings, City Engineer – Stated that if you'd like to table this, we could make sure we could set a meeting with them and discuss all the requirements for that. And then that way, before everything ever happens, it's all set out in stone.

Mayor Warren - I think that's an ideal.

Councilmember Hene – Stated I agree with tabling, and that's going to be my motion. The point I would also like to add is the owner is correct. There's nothing stopping him from going out and building what it's currently zoned for. And so my caution would be for on the approval process for him bringing whatever it is to development about what he could do

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drainage-wise to hold off on any of those approvals until we get the drainage set back. I'm going to make a motion to table it, and it's going to be a long table because from what I heard, it's going to be nine to 12 months until we get the drainage study back, but I don't want to do anything until we get the drainage study back. And so I'm going to table it. I move to table it for 12 months.

Motion by Councilmember Hene to table the item for 12 months; seconded by Councilmember Nichols; motion tabled 6 – 0.

Z-5 **Z23-049 LOCKRIDGE ANDREW (1000, 1004, 1006 TREZEVANT STREET AND 1414 NORTH GRAND AVENUE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-2”, Two-Family Residential District to “R-1D”, Single-Family Attached/Detached Residential District. (O-2024-24)

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

Z-6 **C23-007 GERARDO GONZALEZ AND ERNESTO (A PORTION OF AN UNIMPROVED ALLEY RIGHT-OF-WAY)**
Request that the City Council consider adoption of an Ordinance approving a closure of an unimproved alley right-of-way adjacent to 903 East Hillsboro Street. (O-2024-25)

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

Z-7 **PD23-030 DAVIS THORNTON LTD (A 1.14 ACRE PORTION OF 6549 OLD JACKSONVILLE HIGHWAY)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “C-1”, Light Commercial District to “PMF”, Planned Multi-Family Residential District with a Final Site Plan. (O-2024-26)

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

Z-8 **Z23-052 NATURON PROPERTIES LLC (2150, 2154, 2157, 2158, 2162, 2165, 2166, 2169, 2170, 2174, 2177, 2178, 2181, 2182, 2185, 2186, 2189, 2193, AND 2197 NATURON DRIVE AND 2306, 2307, 2310, 2311, 2314, 2315, 2318, 2319, 2322, 2323, 2326, 2327, 2330, 2331, 2334, 2335, 2338, 2339, 2342, AND 2343 NATURON COURT AND 0.48 ACRE PORTION OF THE ADDRESSES 2133, 2137, 2141, 2145, 2149, 2153, 2157, 2203, 2217, AND 2233 HAVERHILL DRIVE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1D”, Single-Family Attached/Detached Residential District to “R-MF”, Multi-Family Residential District. (O-2024-27)

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

Z-9

Z23-046 CALVILLO KRISTEPHER (1405 SOUTH TIPTON AVENUE)

Request that the City Council consider on appeal adoption of an Ordinance approving a zone change from "R-1A", Single-Family Residential District to "AR", Adaptive Reuse District. The applicant is appealing the denial by the Planning and Zoning Commission.

Al Vasquez. - 312 County Road 279, Tyler, Texas 75705 – Stated he had a few concerns. I don't think they were actual complaints. One of them was the signage. I believe that was an original concern. I think the requirements have an eight-square-foot sign, which would be a flat sign placed on the front of the house, and then a rather small one that goes on the actual brick mailbox. It won't go in or above the mailbox, and there won't be any standalone signs there. The next thing that we had was a privacy noise control in the traffic. We really have some changes addressed, as we had indicated, to keep traffic off the streets. The back of the house actually already has concrete in an area that was used almost like a patio, so what we plan on doing is on Overhill Drive, making an entrance for the employees. The driveway itself is going to be parallel to the person that was originally mentioned in this, headlights and stuff like that coming in. The parking lot in front will be for customers, and that will have up to five parking spots, and there will be no lights reflecting to the back because the actual garage has been enclosed, so there won't be any bothering with lights and stuff like that there. And then, of course, the traffic. When we look at the location of this place, the corner, you just go straight down, and then you have Hughes Automotive, and then you have Mama's. Everything is literally two houses away from where we're planning to be. And then right above it, you see the school. So there's already a lot of traffic, and our plan is to keep the cars in the actual facility without having to use side parking or on-the-road parking. The last one, again, was the location. Compared to the rest of the houses here, this is a 3,700-square-foot home. Everything else around it is between 1,500 and 1,200 square feet. So the chances of this house selling just to be a normal residential planning and future, to me, is highly doubtful. It has six bedrooms, a storage room, and an enclosed garage, which is ideal for what my wife is looking to do. Yeah, all that being said now is the traffic and the noises and the ordinance. During the busy months between January and April, they only open from Monday through Thursday, from 8 to 4, per schedule only. And then in the off-season, they only open Tuesday, Wednesday, and Thursday from 4 to 8, again, by appointment only. So we highly doubt that any of her customers or even employees are going to create any extra commotion that is already going on through these streets.

Mayor Warren - Stated we keep going back to the same place of spot zoning, where you're zoning something totally different in the middle of a neighborhood.

Councilmember Hene- Stated that he shares the same concern. It's just like Z3 and Z4. You're going to have one random RPO or commercial right in the middle of a residential.

Councilmember Nichols- Stated you've got a neighborhood that was designed 70 years ago as a neighborhood with a school, Fifth Street there, to start digging into the integrity of these

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neighborhoods. I mean, we need to preserve that, in my opinion, just like, well, even the one in the Azalea District, we just looked like they were fronting a major thoroughfare. And we said, this is in there. Yes, you've got Hughes Automotive and everything else, but that's a commercial thoroughfare through their own Fifth St. So, I think the preservation, the integrity of this neighborhood is very important because it's an affordable neighborhood to get into. Young families get in there, and that's starter homes for a lot of folks. And to start putting the spot zoning in the businesses, I think that would violate that integrity.

Al Vasquez- Stated that if I can only comment to that, I agree with all of you. However, when we look at the size of this house compared to the rest of the houses there, I highly doubt that this house is going to be used for a starter-off family. Again, it has six bedrooms. The rest of the houses there are all between 1,200 and 1,700 square feet. The one right above it, I believe, is the biggest one, or in the bottom one, that's 2,500 square feet. So seven, basically, bedrooms, huge office, 3,700 square feet. I personally don't think that that's what we're going to have if that house moves on to sell to a different type of investor or anything like that. It's just in my opinion.

Motion by Councilmember Wynne to deny; seconded by Councilmember Nichols; motion carried 6 - 0 & denied as presented.

Z-10

Z23-051 CARLOS MAYA (827 WEST 5TH STREET)

Request that the City Council consider on appeal adoption of an Ordinance approving a zone change from "R-1B", Single-Family Residential District to "R-2", Two-Family Residential District. The applicant is appealing the denial by the Planning and Zoning Commission.

Carlos Maya, 827 West 5th – Stated that he was back again because- "I'm having a hard time accepting the decision that you all have made on this zoning. As you all can see, this neighborhood has all kinds of structures. We've got a car lot on one end. We've got a body shop right next – or a mechanic shop right next to it. On the other end, we've got a church. We've got a P.U.R. right behind the property that we also have another P.U.R. right in front of it. We've got the duplexes there. So, yes, I'm not agreeing with the decision that you all have made on this. Did you all get the letters from the neighbors on the – for it? I know five of them came in, and they were for the zone change. As a matter of fact, one of the neighbors wrote a letter – do you mind reading it?"

Mayor Warren – Stated it didn't work out so well. You know, I hate to be redundant, but, I mean, you've been sitting here this whole time, and the last deal on Tipton was denied. And this is a zone change which is similar, I guess, for a duplex in the middle of single family homes. I mean, you know, Councilman Nichols talks about the integrity of the neighborhood. And I realize there's P.U.R. behind it. And there's a car lot down the street. But it comes back to the integrity of the neighborhood. And when we start changing zoning, because people want to change zoning, there's reasons why we struggle with it. It's not because we don't like it. It's just because it doesn't fit the neighborhood. But that's just me. I appreciate your persistence.

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Carlos Maya- Yes, sir. I currently have six units rented to properties, and I'm very thorough with my tenants. I don't rent it to anybody. I have applications they have to fill out. They have to pass a criminal record for us, and I don't want to bring anybody to the neighborhood that it causes problems. I know that I've been here two times already. This is my third time. But that's because I'm just having a hard time accepting the decision, and I'd just like for your reconsider it.

Mayor Warren- Can you just not build a single-family home?

Carlos Maya -Yes, sir, I can. I mean, that's another option. Another option would be just to build a vacation home there, but because I don't want to bring people from another state that I don't know nothing about to the neighborhood, I'd rather just, you know, go with the duplicates. I feel like that was more appropriate and more better for the neighborhood.

Motion by Councilmember McGee to deny; seconded by Councilmember Nichols; motion carried 6 - 0 & denied as presented.

Z-11

PD24-001 POLLARD-HEINES BUILDINGS LLC (1318 SOUTH BECKHAM AVENUE)

Request that the City Council consider adoption of an Ordinance approving a zone change from "C-1", Light Commercial District to "PMXD-1", Planned Mixed-Use District with site narrative. (O-2024-28)

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

RESOLUTION

R-1

Request that the City Council consider the adoption of a Resolution of Support for an affordable housing tax credit project proposal for revitalization of Moore Grocery Lofts (410 North Broadway Avenue) and the approval of the waiver of development/permit fees in the amount of \$500. (R-2024-17)

Brannon Fitch, 50 Frederica Oaks Ln, St. Simons Island, - Stated a bit of deja vu. We wanted to make sure, following the last Council meeting, just provide some additional data points to make sure that the decision that's rendered by the Council is probably the most informed. We did share in our last meeting that our project scored well, and that's due to a number of factors. The primary factor being as part of the revitalization district within Tyler, and it's also an adaptive reuse project. That within TDHCA is incredibly important with how they score and look at these projects. Correctly so, during the last Council meeting, the self-scores were shared with the Council. Our self-score was below our competitor projects within the region. That is accurate. However, there are a number of additional factors beyond self-score that are included with the TDHCA decisioning. Those factors, like City Council support, State Representative support, revitalization districts, things of that nature. And when you account for all of those point categories, we're the highest scoring project in the region by a considerable margin. And so we wanted to come back here to make sure that you had all the

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data points relative to the project to render a decision. We feel very strong about it. We feel very good about getting an award. I want to thank Ed and Kyle for allowing us the opportunity to share that additional information. Again, state representative support is also a very, very critical step. Typically, you don't receive that support of a project until after the council meets. In this situation, Representative Schafer felt very strong about the project being part of that revitalization district and really contributing to the continued revitalization of the downtown district. And so those additional elements are what we wanted to make sure that we were very, very clear about with getting back in front of the City Council today. Like I said, I was going to keep it concise. I'm happy to answer questions about partner Quinn. You can share a little bit of his information as well. And we also have our colleague Lisa here, who is a former member of TDHCA. She worked with them for 12 years and she's a consultant for some projects.

Quinn Gormley stationed out at BK, Texas. – Stated the scoring is a critical factor. Those other items outside of self-score are critical. Obviously, as Brandon had indicated, city support is critical for that score. One of the things that should be noted, though, is there are multiple applications in this region. The next deal that would score based on that tabulation criteria would be Longview Terrace. So that would be the next project that would be in line if our development does not move forward in the application route. Now, that being said, TDHCA still has to go through. They audit those scores to make sure all those scores are great. So it's hard to say you could just pick one out of the bucket. They have to be financially feasible. There's all the other things that have to happen along with that. So, it's really important that you show yourself scoring. You have the supporting data. But again, it's really up to the way that TDHCA audits it at the end of the day. As we feel very comfortable that the deal is very sustainable, it is at a point now where we need to rehabilitate it. The bricks need to be pointed and tucked. It needs to be cleaned up. We need to do trash enclosures, like formal trash enclosures, enhance security, build fencing around the property. There are a lot of things that we're happy to share more upon any additional question you have. But inside the units, we're going to do a lot of cosmetic things, moving new cabinets, new countertops, appliances, and so on. But those are fairly cosmetic. We definitely want to stabilize the property and give it a renewed life, particularly since it's going to be in the revitalization area.

Councilmember Wynne- Asked at the end of the day, we go forward with a letter of support for you all. I don't get it, Longview gets it, Abilene gets it, whoever gets it. Are you still going to revitalize your property?

Quinn Gormley- Stated, Yes. Without the tax credits though, because it's a tax credit program, we're limited on our ability to capitalize the project. So we would have to go back in for applications again. You're kind of on the treadmill to do that. What we don't know, and nobody does, is TDHCA will change the scoring. It does it every year. We don't know if we'll be competitive enough next year to get the allocation. And also timing-wise, if we get an allocation this year, we will be under construction by this time next year. And then we will be revitalizing those units by the middle to end of next year. If we wait to get allocated and apply again next year, it will be two more, three more years out of that. It's only until 2027 until we actually have revitalization of that project at that time. Being that we're scoring well enough from TDHCA. So as it sits right now, we score very well. So, it's an opportunity now that's in hand to revitalize the project.

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Mayor Warren- Stated I like the project. And we're in the middle of redoing downtown. And we plan to start moving dirt in October of 2024. So I like the idea of the more grocery lots getting a facelift at the same time as we are trying to improve downtown. And when you ask the question about why not do a resolution of support for all three, well, we're kind of backing into that equation now that we know Representative Schaefer has approved or is supporting this project. And I like that. The last thing is probably a little bit of my ignorance because sometimes it's very apparent. But when you talk about the point system of 17 points, you know, there's been a time in the not-too-distant past where I thought that the one that got the resolution of support got the 17 points. And the people, whether you did one, two, or three, I was not aware that more than one could get the 17 points. So my bad for that part.

Quinn Gormley- Stated that I'm glad and grateful to the Council, City Staff, and the Mayor for allowing us to come back up and talk a little bit about that. And honestly, this has been, you know, council's will on how they select and approve these developments. So we appreciate the opportunity to know that this one is a little bit different because it is a revitalization project and not a new construction project. And I do believe that Representative Shaffer would not be supportive had we been presenting a new construction project in front of him. He's historically not supported those types of transactions or has been very selective about that.

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

ORDINANCE

- O-1 Request that the City Council consider the adoption of an Ordinance amending the Fiscal Year 2023-2024 Budget to provide funding to complete various Community Development Block Grant (CDBG), HOME and Housing Choice Voucher Program activities, Airport projects at Tyler Pounds Regional Airport, Transit, and Rose Complex for Mayfair Building. (O-2024-29)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending December 31, 2023.**

Motion by Councilmember McKellar; seconded by Councilmember McGee; 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.)

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- C-A-1** Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2023.
- C-A-2** Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Insituform Technologies, LLC for the CIPP Drainage Improvements project, increasing the approved contract amount by \$33,949.00, from \$1,046,175.00 to \$1,080,024.00.
- C-A-3** Request that the City Council consider authorizing the City Manager to amend the Professional Services Consulting contract with Elledge Engineering Corp. for the design and construction phase services, as they relate to the Off-System (Non-TxDOT) Bridge Maintenance project, by increasing the fee by \$21,000 from \$136,500.00 to \$157,500.00.
- C-A-4** Request that the City Council consider accepting a donation made to the Tyler Fire Department in the amount of \$50,000.00 from an anonymous donor.
- C-A-5** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order in the amount of \$149,291.75 and approve the release of final payment and retainage in the amount of \$174,189.52 to Reynolds & Kay, LTD, for the Cambridge Road Improvements Project.
- C-A-6** Request that the City Council consider authorizing the City Manager to approve a reconciliation change order in the amount of \$3,772.00 and approve the release of final payment and retainage in the amount of \$14,839.10 to All Pro Services for the painting of City of Tyler Police Department Headquarters exterior.
- C-A-7** Request that the City Council consider approving the final payment and releasing retainage in the amount of \$8,244.07 to L.S. Equipment Co., for the 2022 Seal Coat Program Project.
- C-A-8** Request that the City Council consider authorizing the City Manager to declare a Mass Casualty Trailer Morgue Truck to be surplus property and approving the donation and transfer of said vehicle from the City of Tyler Emergency Operations Center (EOC) back to the Piney Woods Regional Advisory Council (TSA-G) for continued emergency operations.
- C-A-9** Request that the City Council consider authorizing the City Manager to execute a contract with Reynolds and Kay, LTD, for the construction of the 2024 Seal Coat Project in the amount of \$961,024.44.
- C-A-10** Request that City Council consider authorizing the City Manager to approve a reconciliation change order in the amount of \$5,747.00 and approve the release of final payment and retainage in the amount of \$13,733.40 to Cactus Abatement and Demolition, LLC for the demolition project located at 515 East Erwin Street.

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- C-A-11 Request that the City Council consider authorizing the City Manager to execute a new Personal Services Contract with Parker Harrison for the development of the CDBG-HOME Consolidated and Annual Plans and for continued project management for current CDBG-HOME projects up to the amount of \$75,000.**
- C-A-12 Request that the City Council consider authorizing the City Manager to execute a Capital Improvement Project construction contract with Capps-Capco Construction, Inc., for the drainage improvements at 4510 Cascades Shoreline Drive and 703 Loftin Street in the amount of \$168,193.00.**
- C-A-13 Request that the City Council consider canceling the regularly scheduled City Council meeting of March 13, 2024.**

Motion by Councilmember Nichols to approve the consent items; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. In response to the recent hail storm that we had, the Planning Department has been contacted by a large number of mobile paintless dent repair companies seeking to establish temporary locations within parking lots under large tents throughout the city for more repairs to different vehicles. To date, the department has received about a full request for transient vendor permits. While the city allows for temporary transit, vendor sales is certainly not allowed for permits to be granted for transient auto repairs, detailing or washing. For that reason, the department is unable to grant those vendor permits for this activity, but will communicate to interested companies that they have the ability to make arrangements with individual clients for dental repairs similar to some windshield glass repair companies or to partner with existing auto repair businesses at their locations. And so, this is an opportunity, the way that we're being able to kind of handle that coming in because of the hail storm. I know from the roofing companies there has also been a lot of different companies kind of coming into town, talking to different businesses and our Planning Department has been working with those to make sure they have the proper permits to be able to operate entirely.
2. Had some good news and information. We often talk about the amount of kind of equipment, even anonymous donations for our, especially our public safety department to assist you or I on when we are having our times of need, but the Tyler Obedience Training Club donated 22 sets of oxygen recovery head masks to the Fire Department. And these can be used to deliver oxygen directly to any size animal after smoke inhalation. Has to come in multiple sizes. As I said, these will be available on all the front departments, frontline apparatus soon. And that's been, you know, an interesting piece. And we all have our cats and dogs that we love sometimes better than our children. So now fire departments, they've just been kind of a thing of where as the fires are occurring, they go to rescue the people obviously first, the people who care about their dogs and their cats. And sometimes that smoke inhalation affects them as well. So, our Fire Department is very happy to have now this equipment on their

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frontline equipment or kind of frontline engines to be able to handle those kinds of situations.

3. Our community member last week contacted us about a solid waste employee, Terry LaRue. And I love this story and just wanted to brag about Terry really quick for going above and beyond on his job. Here's what our community member wrote about Mr. LaRue. This morning around 6.30 a.m., my trash container was collected by the City of Tyler employee who noticed the smell of natural gas coming from our driveway. Our gas meter is about 40 yards from the street. Instead of dismissing it, this person called in a gas leak to Center Point Energy. Around eight o'clock a.m., the Center Point Energy associate rang our bell and informed us that the garbage man noticed the smell of gas around your house and dispatched us. Our meter was indeed leaking gas and Center Point Energy fixed the leak and made sure everything was working. And so he wanted to recognize, publicly recognize Terry LaRue for being able to call in that gas leak and thank him for looking out for his family. That is something just really great.

4. And then finally, a major piece of news that we'll announce today is the Texas Chapter of the American Planning Association is announcing today that Tyler's Bergfeld Park has been designated a great public space by the Great Places in Texas program. Bergfeld Park joins Tyler's Municipal Road Garden as a second great place in Texas to be designated in the Rose City. Great Places in Texas exemplify exceptional character and highlight the role planners play in creating communities of lasting value. This year marks the seventh year of the Great Places in Texas program, which has now designated 41 public spaces, neighborhoods and streets across the state. Bergfeld Park is only one of three places designated this year. The others being La Verde Park in Kyle and East Hickory Street in Denton. The recipients will be honored at the Great Places in Texas reception and also on March 26th. And so congratulations to the Council, to the City for this great designation and so we're very excited about it. And again, kind of pressing the news out there about the fact that Bergfeld Park and the idea of the community built around the park and just what it creates and gives back to the community as well.

Councilmember McKellar – Stated that she wanted to recognize, she's not in the audience but I want to say thanks to our Communications Director, Julie Goodgame for working with me and collaborating with the City of Tyler and Tyler Independent School District for Black History Program. It's been outstanding and her team as well. So, I want to say thanks and thanks to TISD for collaborating with us. And if anybody's interested, we still have one more event this coming Friday night at Willowbrook Country Club at 6.30. If you need tickets, I'm here. Thank you. And so move to adjourn.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:47 am; seconded by Councilmember McGee; motion carried 6 - 0 & meeting adjourned.

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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

