

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 26, 2024**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 26, 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: Stuart Hene
Councilmembers: Brad Curtis
Shirley McKellar
Broderick McGee (absent)
James Wynne
Lloyd Nichols

City Manager: Edward Broussard
Deputy City Manager: Stephanie Franklin
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Senior Asst. City Attorney: Alesha Buckner
Director of Organizational Development: Regina Y. Moss
Planning Director: Kyle Kingma
Chief Financial Officer: Keidric Trimble
Chief Information Officer: Benny Yazdanpanahi
City Fire Chief: David Coble
Project Engineer: Jacob Yanker
Director of Marketing & Communication: Julie Goodgame
Police Chief: Jimmy Toler
City Engineer: Darin Jennings
Director of Utilities: Kate Dietz
Director of Parks & Recreation: Leanne Robinette
Director of Solid Waste, Transit: Leroy Sparrow
Strategic Planner: Blake Cathey
Legal Assistant: Chris Cambra
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Hene.

MINUTES

Motion by Councilmember Wynne to approve the May 15, 2024 minutes; seconded by Councilmember McKellar; motion carried 6 - 0 & approved as presented.

ELECTIONS

E-1 Request that the City Council consider canvassing the returns of the Tyler City Council Runoff Election held June 15, 2024, for District No. 2, Runoff Election set for that day and adopting an Ordinance declaring the results. (O-2024-64)

District 2 Runoff Election results for City Councilmember
Petra Hawkins - 511
Stephen Dinger – 456

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

AWARDS

A-1 Request that the City Council consider recognizing the following employee for his years of service and commitment to the City of Tyler. He represents 30 years of service with the City of Tyler.

Edgar Sheffield Jr., Assistant Police Chief I, 30 Years of Service

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the filing of an application with the Texas Parks and Wildlife Department (TPWD) for a Local Parks Grant for Stewart Park and authorizing the City Manager to take all actions needed to receive and expend grant funds. (R-2024-30)

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

ORDINANCE

O-1 Request that the City Council consider adoption of an Ordinance amending the Fiscal Year 2023-2024 Transit Budget by accepting a Federal Transit Administration (FTA) FY22 5307 Grant totaling \$2,479,924. (O-2024-65)

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to execute a professional services contract in the amount of \$ 1,804,750.00 with KSA Engineers, Inc. for the Bellwood Lift Station Abandonment and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt and funded with Consent Decree bond funds. (R-2024-31)

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

M-2 Request that the City Council consider authorizing the City Manager to execute a Capitol Improvements Project contract in the amount of \$1,392,181.00 with Capps-

Capco Construction, Inc. for the Shackelford Creek Lift Station Improvements and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt and funded with Consent Decree bond funds. (R-2024-32)

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

M-3 Request that the City Council consider authorizing the City Manager to purchase playground equipment for W.E. Winters Park through the Buy Board Purchasing Cooperative from Kraftsman Commercial Playgrounds & Water Parks in the amount of \$69,995.89.

Motion by Councilmember Curtis; seconded by Councilmember Nichols; 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 approving the final payment and retainage to Morton Enterprise in the amount of \$13,787.78 for the 2024 Asphalt Crack Seal Project.

C-A-2 Request that the City Council consider authorizing the City Manager to declare designated vehicles as surplus and ready to be auctioned.

C-A-3 Request that the City Council consider adoption of a Resolution authorizing the City Manager, or the City Manager's Designee, to execute any necessary documents for the application, receipt, and expenditure of grant funds from the United States Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program in the amount not to exceed \$162,770.00. (R-2024-33)

C-A-4 Request that the City Council consider authorizing the City Manager to ratify the purchase of a 20ft dump trailer from Kearney Trailers in the amount of \$24,789.75 and Super Star Storage for \$25,494.72.

C-A-5 Request that the City Council consider authorizing the City Manager to execute a contract amendment in the amount of \$30,000 with KSA Engineers, Inc., for additional services related to the Southside Wastewater Treatment Plant Aeration Basin and Final Clarifier Improvements project.

C-A-6 Request that the City Council consider authorizing the City Manager to approve adding Holt Truck Sourcewell contract # 060920-NVS , Heil of Texas Sourcewell contract #110223-THC, and Mcneilus Company Sourcewell contract #110223-MCN to the Co-op and Sole Source Purchasing agreement whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperative.

C-A-7 Request that the City Council consider authorizing the City Manager to enter into a contract with Terminix Pest Control to provide City wide pest control

services for all City of Tyler facilities in the amount of \$73,800.00 over the next five (5) years and also add addendum 2 to the City-wide pest control contract.

C-A-8 Request that the City Council consider authorizing the City Manager to approve the partial release of water and sanitary sewer easement across Old Jacksonville Highway on Lot 32-C, NCB 1570-Q that has been verified as no longer needed.

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

CITY MANAGERS REPORT

1. First, I want to congratulate our firefighters. Our Tyler Fire Department participated in the Firefighter Challenge, the Southwest Regional Competition on June 6th through the 8th over in Oklahoma City. The Tyler Firefighter Challenge team competed with teams from all over the U.S. and Canada and they were able to beat their previous times and performed exceptionally well in multiple different parts of it. They opened a division relay, the regional team, the overall team. Our team's hoping to be able to go to the U.S. national competition or even the world competition in October. So Senior Captain Patrick Mayo kind of heads that up along with Engineer Terry Hawkins and both of them are excited. We're all excited about cheering them on to see if they can keep going.
2. Also, just some of the debris cleanup and everything. We want to give a special shout-out and thanks to the University of Texas at Tyler. On June 11th, 50 UT Tyler freshmen as part of their swoop week, helped to clean up the Goodman LeGrand Museum grounds. Due to the recent storms, it couldn't have been cleaned any sooner. They picked up thousands of limbs and made piles for our park crews to pick up. And as soon as they were through, the mowers were able to finally work on the ground. So we're very grateful to our UT Tyler friends and students there, especially those freshmen coming in as part of their swoop week to take part in that.
3. And so last couple of things, going back to the storm from at the beginning of June, FEMA was able to announce at the end of last week that the Disaster Recovery Center will be located at the Hub here downtown. And so that is open, I believe seven days a week and is there for anyone who wants to go have visits or kind of... they're open to just come in, walk in to be able to kind of have access to them. So that one we're putting out quite a bit of information on.
4. Two things kind of, one is still related to the storm, the debris cleanup. We continue with that. In fact, citizens can monitor that on our website with maps that we've been able to place for both streets cleanup, which is picking up our public debris, and then also for work orders that have been placed for private cleanup for trees and limbs through Solid Waste. Leroy will talk a bit about that status on the private side of pickup and how we are probably a couple weeks still from kind of finishing that out.
5. The other side is with the fire that occurred out at Rivers Recycling Center, which is the recycling center for kind of the northeast Texas market. How we've had to cease operations for curbside recycling service for the time being, probably for what we anticipate about over a year. But this recycling center itself is still open for those who want to be able to bring their items to the recycling center for recycling such as cardboard or plastic. Leroy, do you mind giving a little bit of an update on both of those items, sir?

Leroy Sparrow, Director of Solid Waste - So as far as Solid Waste with work order numbers, today we have about 400 work orders open today, which is about 300 for storm debris and about 100 bulky tickets. And we usually do about 150 a week, so that kind of lets you know two weeks is kind of what we're looking at, because we're ramping it up. We've completed about 200, about 140 storm tickets and 60 bulky. So usually each week we're hitting about 175 to 200, so it's at least a couple weeks to get those 400 tickets taken care of.

Mayor Warren – Stated, so when you say bulk, are you talking about...

Leroy Sparrow - Mattresses, sofas... ..

Mayor Warren - special, or other, mattresses and stuff?

Leroy Sparrow: That's bulky.

Mayor Warren - Because it has been kind of interesting with the storm, it seems like there have been some bulky items placed on top of the debris, just kind of take care of it all at once.

Leroy Sparrow - Yeah, and when they're together like that the crews just pick them up, that's when it'll go to the Landfill. If they're picking up bulk with the brush, if they're right there close together, they just pick them both up and take them to the Landfill.

Councilmember Wynne - Leroy, a question that's been posed to me in regards to recycling. Do individuals need to keep, or is the City going to come pick up recycling containers, the orange-lidded ones? And when will customers see that charge no longer on their water bill?

Leroy Sparrow: Yes, good question. So we like them to keep the cart. We have had some customers say they don't want it, they wanted us to come and get them. But we're freezing that charge, so starting in July, they won't see that charge on their bills anymore. It'll be zero. And we just ask, you know, if they like the program, they're going to keep it. If they like it, keep their cart.

Mayor Warren - But what can we put in that can that has an orange lid, and will it still get picked up at the normal recycle date to be taken to the Landfill?

Leroy Sparrow - So that's a good question. So as of now, we've still been picking those carts up. So starting in July, we'd like them to stop putting them out. We'd like them to stop using those cans because we're not going charge for them. It'd pretty much just be a can there. But as of right now, people have still been putting them out. And that's kind of what we educated them just because we figured they'd have the materials in them. So they've been putting them out. We've been dumping them. And of course, that material has been going to the landfill with the regular trash.

Councilmember Curtis: So July starting...we're starting July, we're not going to pick it up. Yeah. So the idea is we want them to keep them because we don't want to have to redistribute all these in a year.

Leroy Sparrow - Correct.

Mayor Warren - So how long do you think it will take for Rivers to get back up?

Leroy Sparrow - That's kind of, hopefully, they'll move fast-track. But we're thinking it'll probably take at least a year.

Mayor Warren - Okay.

Mayor Warren - Any other questions? Okay. Thanks Leroy. Good job.

Leroy Sparrow - No problem.

Mayor Warren - Appreciate you.

Leroy Sparrow - And like Ed said, the other one is our recycle center is still fully operational. So people can still come and bring their recycled items to our downtown recycle center.

Councilmember Wynne-: I noticed Saturday when I was down there was a bigger crowd than usual.

Leroy Sparrow - We've seen the people have been calling and they've been like, "We've got nowhere to take..." And when I say people, I mean, it could be a different, in another city. We were taking it to Rivers, so they're bringing that material to us.

Mayor Warren - Okay. Thank you.

City Manager Edward Broussard - And finally, just to kind of especially the discussion about the debris pickup and everything kind of reminds me, we will be doing quite a bit of campaigns over probably towards the end of this week, and especially into next week, with the Fourth of July occurring. Obviously, it's one, you know, fireworks and a brush that has been sitting out at the curb for a month do not mix. And so we will be pushing that enforcement message out there, very much so, so that people will understand that fireworks are illegal in the City. They should not be fired off, and that you will be ticketed if caught by the Tyler Police Department.

Mayor Warren - Any comments or questions for City Manager? None. So, is Sunday your birthday?

City Manager Ed Broussard: That is correct. My understanding from my mother that that is the day. Yeah.

Councilmember McKellar: I love that. Early Happy Birthday.

Mayor Warren - Anyway, Happy Brthday soon. We're not going... we'll spare you with the Happy Birthday singing but Happy Birthday.

Councilmember Wynne- Shouldn't you check with your mom? I mean, I know you and math are a problem.

City Manager Ed Broussard -Everyone...You should always check to make sure, you know, every decision is made with Mom in mind.

Councilmember McKellar: That's right. And don't forget.

EXECUTIVE SESSION – City Council convened into executive session at 9:28 am

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may go into executive session to consider the following:

Tex. Gov't Code Section 551.071, "Litigation", to deliberate pending or contemplated litigation or settlement offer involving:

- 1) Leandra Leach v. City of Tyler lawsuit, Cause No. 20-2049-A, and
- 2) Abdias Rosales v. City of Tyler lawsuit, Civil Action No. 6:23-cv-00245

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, or settlement offers 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.

As allowed by the Texas Gov't Code Section 551.072 "Real Estate," the City Council will discuss the purchase, exchange, sale, lease, or value of real properties, the public discussion of which would have a detrimental effect on the negotiating position of the City.

Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 10:31 am with the following

Mayor Pro Tem Hene made the motion to approve settlement agreements for the following lawsuits: Leandra Leach versus City of Tyler, lawsuit case number 20-2049-A and Abdias Rosalez versus City of Tyler lawsuit civil action number 6:23-CV-00245.

Mayor Warren - Do we have to get the amounts of the settlements?

Mayor Pro Tem Hene- The first lawsuit settlement amount is \$40,000.00 and for the second lawsuit settlement amount is \$15,000.00.

Councilmember Curtis – Second the motion.

Motion by Mayor Pro Tem Hene; second by Councilmember Curtis; motion carried 6-0 and motion carried.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:32 am; seconded by Councilmember Wynne; motion carried 6 - 0 & meeting adjourned.



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

ATTEST:


CASSANDRA BRAGER, CITY CLERK

