

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

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

City Manager: Edward Broussard
Deputy City Manager: Stephanie Franklin
Asst. City Manager: Heather Nick
City Attorney: Deborah G. Pullum
Director of Organizational Development: Regina Y. Moss
Main Street Director: Amber Varona
Planning Director: Kyle Kingma
Chief Financial Officer: Keidric Trimble
City Fire Chief: David Coble
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
Senior Management Analyst: Blake Cathey
Transit Manager: Russ Jackson
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Nichols.

MINUTES

Motion by Councilmember Wynne to approve the July 10, 2024 minutes; seconded by Mayor Pro Tem Hene; motion carried 5 - 0 & approved as presented.

AWARDS

Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler.

They represent 135 years of service with the City of Tyler.

**James Holt, Police Officer XIV, 30 years of service,
Lance Parks, Police Officer XIV, 30 years of service,
Ronny Tekell, Police Officer XIV, 30 years of service
Theofalus Ross, Streets, Crew Leader, 25 years of service,**

Michael Schaub, Wastewater Treatment Superintendent, 20 years of service

ZONING

Z-1 Z24-025 SPRING RJP OPERATIONS, LLC (501 AND 503 SOUTH SPRING AVENUE)

Request that the City Council consider adoption of an Ordinance approving a zone change from 'RPO', Restricted Professional Office District to 'R-2', Two-Family Residential District. (O-2024-81)

Motion by Councilmember Hawkins; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

Z-2 Z24-026 CARLA OCAMPO (1511 WEST ERWIN STREET)

Request that the City Council consider adoption of an Ordinance approving a zone change from 'M-1', Light Industrial District to 'PMXD-1', Planned Mixed-Use District-1 with written narrative. (Mayor Warren, Councilmember Hene and Wynne opposed)

Motion by Councilmember Nichols; seconded by Councilmember Hawkins; motion carried 3 - 2 & denied as presented.

Z-3 S24-006 TOWNSQUARE MEDIA TYLER LLC (3810 BROOKSIDE DRIVE)

Request that the City Council consider adoption of an Ordinance approving the Special Use Permit to allow for a radio tower up to 150 feet in height in the previous location of a radio tower or elsewhere on the property. (O-2024-82)

Motion by Mayor Pro Tem Hene but with the amendment of stating up to 80 feet, instead of the up to 150 feet.; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

HEARING

H-1 Request that the City Council consider conducting a public hearing on the proposed Fiscal Year 2024-2025 Annual Budget and on the proposed property tax rate of \$0.240085 per \$100 of taxable property value.

City Manager, Edward Broussard – Gave a brief update on the proposed Fiscal year 2024-2025 Annual Budget and the proposed property tax rate of \$0.240085 per \$100 of taxable property value.

Mayor Warren opened the public hearing at 9:32 a.m.

Michael Cleghorn, 3302 Shady Cove Circle- Stated that he appreciates the presentation on the budget. As the Council is well aware, this is the most important

planning document that this body can make. Therefore, it's important that the discussion on the budget is robust and that it serves ultimately as a report card to the community with outcomes that must ensure that the fiduciary responsibility is both physically and responsibly spent in the most efficient manner possible.

Peyton Williams, 7504 Holly Oak Drive – Stated that he wanted to advocate for some zoning changes that would reduce the number of applications that people actually have to make and let people have more property freedoms to build in Tyler and keep those prices down. And so, those changes that I'm advocating for today are four simple ones. One is to allow accessory dwelling units by right, whether that's, hey, mom needs to move in with us, and she wants to keep her own space, or the kids want to move into a garage apartment when they go to UT Tyler. It gives everybody a little bit more independence and lets property owners increase that density. Allow by right duplexes, triplexes, quadplexes in any residential zoning area. That increases our general density. Whenever that house has been torn down on a corner lot, it lets somebody come in and put two back in. Maybe the same square footage even. But that increases the actual amount of density that we have without needing months of new zoning meetings and red tape to cut through. Decrease the minimum lot size by 2,400 square feet. That's one of the key factors that has kept Houston more affordable than the other major cities in Texas. Based on a study in 2023, it's \$18,000 lower average house price in Houston than it would be otherwise. And then, legalized apartments and mixed-use buildings in all commercial zones. That lets people live near the amenities. It cuts down on traffic, which is Tyler's probably favorite complaint that I've seen.

Darryl Davis, 2719 Plaza Ave,- Stated that he was here on the 14th, and a \$1.3 million police training facility was mentioned. He stated that he opposed that, but I want the people here to know that I don't oppose police, and I'm not defunding the police. But I do want police to have adequate training.

Bob Brewer, 1800 De Charles, Tyler, Texas – Stated his concern is about police training and the money spent on police. So, this is budget. “So, part of our budget and part of our training, I would like to, since Constitution Week's coming up, September 17th, we are just devoid of any understanding of our law as written, and we need to make training on our laws. We need to try to swing the entirety of the United States back into understanding the Constitution.

Mayor Warren closed the public hearing at 9:46:09 a.m.

PRESENTATION

P-1 Request that the City Council receive a presentation on the Capital Improvements Program funded by the Half Cent Sales Tax Program.

Darin Jennings, Engineer - Gave a brief update on the annual work plan process.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing submission of an application by the Tyler Fire Department for, and acceptance of, grant funding

in the amount of \$450,000.00 through the Ben and Maytee Fisch Foundation, to be used to support the Tyler Fire Department Public Safety Bomb Team, aimed at maintaining and/or enhancing the City of Tyler's emergency preparedness and response capabilities. (R-2024-37)

Motion by Councilmember Nichols; seconded by Mayor Pro Tem Hene; motion carried 5 - 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 June 30, 2024.

Motion by Councilmember Nichols; seconded by Mayor Pro Tem Hene; motion carried 5 - 0 & approved as presented.

M-2 Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$200,000, with Langan Engineering and Environmental Services, Inc. for the Private Lateral Program for Consent Decree Group 3 projects.

Motion by Councilmember Wynne; seconded by Councilmember Hawkins; motion carried 5 - 0 & approved as presented.

M-3 Request that the City Council consider authorizing the City Manager to approve Change Orders #1 and #2 with SAK Construction, LLC that will increase the contract amount by \$2,156,969.09 for Black Fork Creek Outfall Sewer Cast in Place Pipe (CIPP), Bid 21-035.

Motion by Councilmember Nichols; seconded by Mayor Pro Tem Hene; motion carried 5 - 0 & approved as presented.

M-4 Request that the City Council consider accepting the donation of \$1,164,141.44 to help complete the construction of the Miracle League of Tyler ballfield.

Motion by Mayor Pro Tem Hene; seconded by Councilmember Wynne; motion carried 5 - 0 & approved as presented.

M-5 Request that the City Council consider authorizing the City Manager to execute a contract with SCI Construction, Inc., for the construction of the Miracle League of Tyler ballfield at Faulkner Park in the amount of \$1,680,358.00.

Motion by Councilmember Nichols; seconded by Mayor Pro Tem Hene; motion carried 5 - 0 & approved as presented.

M-6 Request that the City Council consider authorizing the City Manager to execute a Capital Improvements Project contract in the amount of \$1,501,920.00 with TanksCo, Inc. for the West 2nd Street Elevated Storage Tank Rehabilitation (Tyler Bid No. 24-023) and adopt a Resolution reserving the right to reimburse

expenditures with proceeds of future debt. (R-2024-38)

Motion by Councilmember Hawkins; seconded by Councilmember Nichols; motion carried 5 - 0 & approved as presented.

- M-7** Request that the City Council consider the designation of Reinvestment Zone Number Fourteen (Hiland Dairy), City of Tyler, Texas, for industrial tax abatement, and authorize the City Manager to finalize and enter into a tax abatement agreement with Hiland Dairy Foods and to sign all documents necessary to implement the tax abatement agreement. (pulled from the agenda)

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 reviewing and accepting the Investment Report for the quarter ending June 30, 2024.
- C-A-2** Request that the City Council consider authorizing the City Manager to approve the reconciliation change order decreasing the approved contract amount by \$9,563.12, from \$362,975.35 to \$353,412.23, and the release of retainage in the amount of \$35,341.23 to Missouri Petroleum, LLC, for the 2024 ONYX Seal Project.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase four commercial refuse trucks from East Texas Mack through TIPS Contract 230802 for a total purchase price of \$580,478.
- C-A-4** Request that the City Council consider authorizing the City Manager or designee to apply for and accept nineteenth-year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation.
- C-A-5** Request that the City Council consider authorizing the City Manager to declare certain designated vehicles as surplus and ready to be auctioned.
- C-A-6** Request that the City Council consider authorizing the City Manager to execute the Amendment No. 1 to the Work Order #1 to KSA Engineers, Inc., to add Construction Administration, and Closeout phase services for the construction of a new Airport Lighting Vault, for an increase from \$138,844.00 to \$283,165.00 (\$144,321.00) at Tyler Pounds Regional Airport.

Motion by Councilmember Wynne to approve the entire consent agenda; seconded by Mayor Pro Tem Hene; motion carried 5 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Keep Tyler Beautiful Board is continuing to move forward with the Beauty in the Box program with seven new boxes soon to be wrapped. They're also working on promoting the Recycling Center and designing new information magnets for the self-service drop off. So,

they've helped take on the issues that we've had with recycling due to the Rivers Recycling Facility being out of commission, and we're very proud of our Keep Tyler Beautiful board for taking on that task.

2. A couple of different things related to other capital projects going on. For Legacy Trail construction, you may see on 155 some of the work that's happening over there where Stewart Park trail-head will be located. The majority of the work offered the trail construction is complete with the exception of the trail-head. There's still some striping and cleanup that needs to occur along the remainder of the trail. However, the trail is in place as well as signage. We're planning on having a big grand opening towards the end of this calendar year.
3. Also, over on Gentry corridor, you may have seen some improvements there, especially at Gentry corridor, Martin Luther King, and there on Glenwood. What this is, is our Gentry corridor improvements related to TXDot grants that we've received. So, curb ramps and sidewalk improvements were recently installed at those intersections. Also signal poles, conduit, wiring, electrical service, new signal cabinets, and some signal heads have been placed at Gentry Parkway and Glenwood Boulevard. That's one where it helps with traffic, especially at that intersection. And especially the pedestrian traffic that's trying to cross. Eventually, improvements will include the curb extensions to reduce pedestrian crossing distances and improve the intersection safety of this location. So, we're proud of that work that you may have seen as you drive through that area. And that's all I had, sir.

EXECUTIVE SESSION – City Council convened into executive session at 10:23 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: Lofton W. Woods, Jr. v. City of Tyler lawsuit; Cause No. 23-2842-A;

Litigation is, by its nature, an ongoing 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 subject listed above.

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

City Council reconvened from executive session at 10:36 a.m. with Mayor Pro Tem Hene making the motion to approve the settlement agreement for the Lofton W Woods Junior University of Tyler lawsuit cause number 23-2842-A in the amount of \$25,000, seconded by Councilmember Wynne, motion carried 5-0, motion approved.

ADJOURNMENT

Motion by Councilmember Wynne to adjourn the meeting; seconded by Councilmember Hawkins; motion carried 5 - 0 & meeting adjourned at 10:37 am.

Donald P. Warren

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

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK

