

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 25, 2024**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 25, 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
Petra Hawkins
James Wynne
Lloyd Nichols

City Manager: Edward Broussard
Deputy City Manager: Stephanie Franklin
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Director of Organizational Development: Regina Y. Moss
Planning Director: Kyle Kingma
Chief Financial Officer: Keidric Trimble
City Fire Chief: David Coble
Compliance Engineer: Paul Neuhaus
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
Tyler Water Utilities: Tiffany Currie
Transit Manager: Russ Jackson
Senior Management Analyst: Blake Cathey
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mark Donaldson, Executive Pastor at Marvin Methodist Church

MINUTES

Motion by Councilmember Wynne to approve the August 14, 2024 minutes; seconded by Councilmember Curtis; motion carried 7 – 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 125 years of service with the City of Tyler.

Cassandra Brager, City Clerk, 25 years of service
George Bostock, Firefighter XIII, 25 years of service
Ronald Bogenschutz, Fire Captain IV, 25 years of service
Gregory Allen, Fire Driver Engineer IV, 25 years of service
Keith Tate, Firefighter XIII, 25 years of service

ZONING

Z-1 PD24-017 BELLWOOD 323 2019, LP (800 BELLWOOD GOLF CLUB ROAD, 4698, 4799, AND 5202 BELLWOOD ROAD, 1471, 1531, 1555, 1565, 1575, 1669, 1699, 1753, 1757, 1781, 1801, 1839, 1847, AND 1873 SOUTH SOUTHWEST LOOP 323, AND 3752 AND 3753 EARL CAMPBELL PARKWAY)
Request that the City Council consider adoption of an Ordinance approving a 'PCD', Planned Commercial District final site plan amendment. **(O-2024-87)**

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

Z-2 PD24-018 BELLWOOD 323 2019, LP (800 BELLWOOD GOLF CLUB ROAD, 4698, 4799, AND 5202 BELLWOOD ROAD, 1471, 1531, 1555, 1565, 1575, 1669, 1699, 1753, 1757, 1781, 1801, 1839, 1847, AND 1873 SOUTH SOUTHWEST LOOP 323, AND 3752 AND 3753 EARL CAMPBELL PARKWAY)
Request that the City Council consider adoption of an Ordinance approving a 'PCD', Planned Commercial District final site plan amendment. **(O-2024-88)**

Motion by Councilmember Hawkins; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.

Z-3 PD24-019 BELLWOOD 323 2019, LP (1471, 1555, 1565, 1575, 1669, 1699, 1753, 1781, 1801, 1839, AND 1873 SOUTH SOUTHWEST LOOP 323 AND 3753 EARL CAMPBELL PARKWAY)
Request that the City Council consider adoption of an Ordinance approving a 'PCD', Planned Commercial District final site plan amendment. **(O-2024-89)**

Motion by Councilmember Hawkins; seconded by Councilmember Nichols; motion carried 7 - 0 & approved as presented.

Z-4 Z24-028 GENECOV WEST MUD CREEK LLC (1227 WILDER WAY AND 8702, 8703, 8708, 8709, 8714, 8810, 8811, 8815, AND 8817 WILDER TRAIL)
Request that the City Council consider adoption of an Ordinance approving a zone change from 'AG', Agricultural District to 'R-1A', Single-Family Residential District. **(O-2024-90)**

Jimmy Negem, 1308 Cumberland Road – Stated that he did not have a problem, with the rezoning from AG to R1A, but what he does have a problem with is the Genecov group constructing a road just to the north of my property that connects to Wilder Trail. The road they would construct would probably be in that first east lot, and what their intention is, is to connect that road that would be connected to Wilder Trail in subdivision unit number four to their 330 acres to the east that fronts Paluxy and Cumberland Road. He has a problem with the construction of the road, not the rezone from AG to R-1A. The reason he has a problem with the construction of the road, among other reasons, is number one, it would inundate Wilder Trail with traffic from the 330 acres that they own. But the main reason he has a problem with the construction of the road is that he and Mr. Wilder were involved in some protracted litigation that lasted about eight or nine years, and he did not want to belabor Council with the details of that, other than to say, arising out of that litigation, Mr. Wilder entered into a settlement agreement with him and his wife, specifically agreeing that he would never construct a road in subdivision unit number four

and connect it to Wilder Trail for obvious reasons. Now, he understands that that's not before Council today, and neither is the platting of the road, nor the construction of the road, but he felt he would be remiss if he did not bring that up today just to let the Council know about that written agreement that they have.

Jim VanDeventer, 828 Colonial Drive, Tyler, Tx – Stated that he understands that City Council is not a court of law, okay, but all of y'all have bought real property in some way, shape, or form. And usually, whether it's a house, whether it's a commercial building, whether it's a potential development, you get a title insurance commitment which delineates on Schedule B all the items that affect that property. That could be restrictions, that could be easements, that could be mineral reservations. And the reason that those are there is they were filed for record to affect that property. The issue in this case, of course, he represents Genecov of West Mud Creek. He also represents Genecov of West Mud Creek on this particular development. And when you represent somebody in a potential development, you pick that thing apart because you're going to build something on it. You don't want to build on top of a gas pipeline. So, you do everything you can to make sure it's fit to be built on. This settlement agreement was never filed for record. When they had their lawsuit, they did not file the appendix. They didn't file the memorandum of the settlement agreement. They did not file the settlement agreement itself. That is known as constructive notice when it's filed for record. The other notice is actual notice when somebody just tells you something. Nobody has said anything to Genecov about this settlement agreement. The first thing they found out about the settlement agreement was about two weeks ago from Mr. Negem, which they had already bought the property and paid good money for. Therefore, it's my opinion they are not bound by the settlement agreement. Okay, whether you want to go with Mr. Negem on this or whether you want to side with me, as he mentioned, it's really totally irrelevant. We're here to discuss a zoning issue. Wilder Way Unit 4 was platted, he thinks, in 2003. Ten lots with Wilder Trail going right up through the middle. That's the exact same subdivision they have right now. Genecov is not asking for approval of a new road. Obviously, if you're going to do a new road, you've got to have engineering, you've got to have studies. You've got to make sure it's going to work for the situation, and that's for another day. So, he believes that this zoning measure should be passed. And if there's going to be a discussion about a possible road, then that's for another day.

Trey Brewer, 1350 Dominion Plaza – Stated like you've heard, our intention is to rezone Wilder Trail, to R-1A. Our intention is to build larger lots, similar to what you see in Holly Tree and Legacy Bend. We'll have restrictions on it, restricting homes to greater than 3,000 square feet, similar restrictions that we have in Legacy Bend. We want to do a nice first-class job. So that's their intentions. We're happy, glad to be part of Tyler's growing, and we're happy to be part of that growth. So that's all I've got.

Mayor Warren- Stated it's been well said by all three gentlemen, that we are not a Court of Law. And we are here on a zoning item. A settlement agreement or a road is a discussion for another day with another group of people, evidently. So, if we can just kind of stick to the agenda item, which is a zoning item, I'll entertain discussion or a motion.

Councilmember Curtis- Stated that he appreciates Mr. Negem being here and understands his concern, but he agrees with the Mayor that all we're really talking about today is a zoning change. So, with that, Councilmember Curtis moved to approve Z-4.

Motion by Councilmember Curtis; seconded by Councilmember Nichols; motion carried 7 – 0 & approved as presented.

ORDINANCE

- O-1** Request that the City Council consider adoption of an Ordinance amending the Fiscal Year 2023 -2024 Budget for various grants that were awarded during the fiscal year, purchases of vehicles and other services that were not completed in prior fiscal years, and to transfer operational savings to fund capital projects. **(O-2024-91)**

Motion by Councilmember Nichols; 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 enter into an agreement with Northchase Development LLC to reimburse costs (not to exceed \$900,000) associated with East Maple Estates Unit 1 infrastructure improvements in conjunction with the adopted TIRZ #3 Project and Financing Plan.

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

- M-2** Request that the City Council consider authorizing the City Manager to execute a construction contract in the amount of \$497,233.68 with Superior Equipment Solutions, LLC, for the Decommissioning of Wells 2, 4, and 5 Project and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (Item pulled)

- M-3** Request that the City Council consider authorizing the City Manager to execute a professional services contract in the amount of \$1,750,000.00, with HDR, Inc., for the Lake Palestine Water Treatment Plant Taste and Odor Study Phase 2 project and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. **(R-2024-41)**

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

- M-4** Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$903,000, with Langan Engineering and Environmental Services, Inc. for the Consent Decree Group 7 Remedial Measures Implementation.

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

- M-5** Request that the City Council consider authorizing the City Manager to enter into a contract with McGriff Insurance Services (McGriff) for Property and Casualty Insurance in the amount of \$1,408,848, Hibbs Hallmark and Company for Cyber Insurance for \$35,864, Innovative Risk Management for Third Party Claim Administration for \$43,410 and Bosworth and Associates for the purchase of Special Events Liability Insurance with a deposit premium of \$2,000 for Fiscal Year 2024-

2025 as the second of two (2) one-year renewal options authorized September 28, 2022.

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

- M-6** Request that the City Council consider authorizing the City Manager to enter into a contract with Hibbs Hallmark and Company for Excess Workers' Compensation Insurance in the amount of \$143,926 and Claims Administrative Services for Third Party Claim Administration in the amount of \$53,160 for Fiscal Year 2024-2025 as the second of two (2) one-year renewal options authorized September 28, 2022.

Motion by Councilmember Curtis; seconded by Councilmember McKellar; 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 application for and the acceptance of a Texas Department of Transportation (TxDOT) Grant for Urban State Funds to use for Tyler Transit in the amount of \$405,774. **(R-2024-42)**
- C-A-2** Request that the City Council consider renewing the Annual Price Agreement for Fuel per Bid 21-027 to Mansfield Service Partners of Tyler, Texas (previously known as O'Rourke Petroleum) from October 1, 2024, through September 30, 2025.
- C-A-3** Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Capps -Capco Construction, Inc., for the Cascades Unit 4 & 703 Loftin St Drainage project, Bid No. 24-005, increasing the approved contract amount by \$8,671.00 (5.2%), from \$168,193.00 to \$176,864.00.
- C-A-4** Request that the City Council consider authorizing the City Manager to approve the final release of retainage in the amount of \$23,136.31 to Donelson Construction Company, LLC, for the construction of the 2024 Tyler Pressure Pave Project.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Platinum Paving, LLC for the Off-System (Non-TxDOT) Crossings 01 project, Bid No. 23-046, decreasing the approved contract amount by \$2,236.58 (-0.22%), from \$1,234,542.48 to \$1,232,305.90.
- C-A-6** Request that the City Council consider authorizing the City Manager to execute and add Work Order #01 to the Master Services Agreement with Elledge Engineering Corp. for the design and construction phase services, as they relate to the Stormwater Repair Projects 2025 for \$112,000.00.
- C-A-7** Request that the City Council consider authorizing the City Manager to approve the reconciliation change order and release the retainage in the amount of \$41,652.74 to True Roads Construction, LLC, for the construction of the Numerous Drainage Improvements Project.

- C-A-8** Request that the City Council consider authorizing the City Manager to purchase one (1) new Freightliner chassis with a Vactor sewer body through Tips Contract #230802 from Doggett Truck Centers for \$489,052.50.
- C-A-9** Request that the City Council consider authorizing the City Manager to purchase one (1) Elgin Crosswind Street Sweeper from Kinloch Equipment through Sourcewell Contract 093021-ELG as part of the Fleet Replacement Program for FY2025 in the amount of \$451,002.00 per unit.
- C-A-10** Request that the City Council consider authorizing the City Manager to approve the agreements with various cooperative groups, whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives and to award the purchase of office supplies, furniture and copy paper, by utilizing multiple contracts, to Ables-Land Inc. through FirstChoice Coop, ODP Business Solutions through OMNIA, Staples through Sourcewell and purchase products from Amazon through the OMNIA coop for the fiscal year, October 1, 2024, thru September 30, 2025.
- C-A-11** Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the vendors listed for DI Fittings, DI Pipe, Water Meter Boxes / Lids, and Water and Sewer New Install and Repair Products for the fiscal year beginning October 1, 2024.

- C-A-12** Request that the City Council consider authorizing the City Manager to award an annual contract to Core & Main LP for the purchase of Neptune water meters, register units, and accessories during Fiscal Year 2024-2025 as needed.
- C-A-13** Request that the City Council consider authorizing the City Manager to extend the annual price agreement to Unifirst Corporation for uniform / floor mat rental for one year beginning October 1, 2024.
- C-A-14** Request that the City Council consider authorizing the City Manager to award the purchase of Conbraco/Apollo Double Check Detector Assemblies to MacArthur Gauge, Incorporated during the Fiscal Year 2024-2025.
- C-A-15** Request that the City Council consider adopting an updated Resolution approving the continued participation in the Texas State Department of Information Resources (DIR) Program and General Services Commission Local Government Purchasing Program. Also, request that the City Council consider authorizing the City Manager to renew several annual leases and to utilize various vendors as sole source for parts and service for technology equipment including computers, software, and telephones for FY 2024-2025. **(R-2024-43)**
- C-A-16** Request that the City Council consider authorizing the City Manager to purchase one slope mower from Kinloch Equipment through Buyboard contract #706-23 for a total cost of \$101,707.50 and one (1) A-60 autonomous mower for \$71,829.30 for Parks Dept.
- C-A-17** Request that the City Council consider authorizing the City Manager to declare Tyler Water Utilities and Traffic Sign Shop scrap brass, copper, water meters, ductile iron, cast iron and miscellaneous metals as surplus and award Bid Number 24-032, to Tyler Iron & Metal Co. Inc. of Tyler, Texas for the fiscal year beginning October 1, 2024.
- C-A-18** Request that the City Council authorize the City Manager to award Triple J as successful bidders for bid 24-037 to provide emergency external fueling for the City of Tyler fleet (non-credit card) during the fuel storage tank replacement project at the City of Tyler Oakwood Complex.
- C-A-19** Request that the City Council consider reviewing and accepting the City of Tyler's workers' compensation, property and casualty claim and lawsuit report for 2021-2022, 2022-2023, and 2023-2024 through June 30, 2024, and ratify all claim payments and settlements within the City's retention during that time frame in the amount of \$1,623,754. This includes 14 claim payments of \$25,000 or more and 11 litigated claims.
- C-A-20** Request that the City Council ratify a Skybridge Reciprocal Easement and Maintenance Agreement Approval between the City of Tyler and The University of Texas System and Tyler Regional Hospital, LLC for an aerial walkway across Hospital Drive.
- C-A-21** Request that the City Council consider cancelling the regularly scheduled City Council meeting for October 9, 2024. Due to the second regular meeting date in October falling on the date for the City Council to attend the Texas Municipal

League (TML) meeting in Houston.

- C-A-22** Request that the City Council consider authorizing the City Manager to award sole source procurement to Martin Marietta, for ready-mix concrete during Fiscal Year 2024-2025.
- C-A-23** Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Asphalt, Sak-Crete & Portland, Utility Cut Base Repair Material, Herbicide Treatment for Drainage and Roadsides, Red Select, and Brick Sand for one year beginning October 1, 2024.
- C-A-24** Request that the City Council consider authorizing the City Manager to award the Request for Proposal for Disaster Debris Monitoring and Management Services to Thompson Consulting Services LLC as the primary and Debris Tech LLC as a secondary vendor.
- C-A-25** Request that the City Council consider authorizing the City Manager to execute an amended professional services contract in the amount of \$786,565 with Freese and Nichols, Inc. to provide a new Comprehensive Master Plan for the City of Tyler.
- C-A-26** Request that the City Council consider authorizing the City Manager, on behalf of the Tyler Police Department, to sign an Interlocal Agreement with Smith County so the sheriff's department can make application for and accept Edward Byrne Memorial Justice Assistance Grant (JAG) funding for FY 2024.
- C-A-27** Request that the City Council consider authorizing the City Manager to approve the use of Analytical Environmental Lab, of Tyler, TX, SPL, Inc. of Dallas, TX and Lower Colorado River Authority Environmental Laboratory Services of Austin, TX as sole sources for certain testing services during Fiscal Year 2024-2025.
- C-A-28** Request that the City Council consider awarding sealed bids opened August 7, 2024, to the referenced bidders for the annual price agreements and for the purchase of various water and wastewater treatment chemicals for the fiscal year October 1, 2024, through September 30, 2025.

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

CITY MANAGER'S REPORT

1. As you all approved the budget, at your last council meeting, one of the items was contingent upon whether or not we received a federal grant. And so, I'm proud to announce that on the two police officers that we put forward for the federal COPS grant that we have been awarded on that grant. This will provide federal funding for three years to cover the cost of two police officers assigned to work in the downtown district. We should receive the formal notification very shortly. We will start the process of moving forward with the strategy of developing the Community Resource Officers Crisis Intervention Team Unit. This will include placing this unit under the supervision of a Sergeant with experience in crisis intervention and community outreach.
2. One of the projects you kind of see happening around the City has been on our traffic signal indication replacement or retro-reflective back plates. The City received a call from a citizen

complimenting us on the new retro-reflective back plates that were being installed. They wanted to give the City kudos. The new yellow borders around the traffic lights make so much easier to see. And I appreciate your hard work and I'm sure you get lots of complaints. I wanted to pass on the praise. This project will touch just over a hundred of our traffic signals. City staff in traffic operations and engineering and working closely with TXDOT who is overseeing this project to provide oversight and feedback on installations being completed by the contractor. As of today, 48 intersections have been completed which represents 46% of the work. The main goal of this project is to enhance the safety of our traffic signals in the City of Tyler.

3. A couple of events that we've had recently, we had our third annual Tyler Art Festival. And so, this was hosted by the Main Street Department on Saturday, September 14th in downtown Tyler Square in partnership with Tyler Art Lift, a local non-profit that promotes art education and supports the cultivation of art in Tyler. We hosted five incredible local musicians, over 70 local artist vendors and hundreds of festival attendees. Among the activities were public art and art gallery scavenger hunt, interactive craft booths, face painting and community canvases that developed throughout the event. It then was designed for local artists to gain exposure, sell their creations, network with other artists and art organizations, engage with the public. It was a full day of celebrating our local art community, encouraging the public to take part in creating beautiful things.
4. And then finally, last Saturday, September 21st, we had an incredible turnout of over 200 participants, including volunteers, Keep Tyler Beautiful board members and Park staff who came together at Fun Forest Park and the Tyler Senior Center for a day of beautification projects. Volunteers engaged in a fun paint by number mural on the park restroom, adding vibrant art to the space. Additionally, we restored the flower bed in front of the Senior Center, creating a beautiful welcome to compliment the center's freshly painted interior. A new retaining wall by the new soccer field was also partially completed by volunteers and will be fully completed in the coming week. A special thank you to the Mayor and our Councilmembers who joined us as well as our generous sponsors and donors. We're also deeply grateful to the Keep Tyler Beautiful board members and Park staff for their support and a huge shout-out to our amazing volunteers. Their hard work made this park service day a resounding success.

Mayor Warren – Thanked everyone that brought peanut butter today. It really is touching. I sent my pastor a text last night that said, "I've been asking so many of my friends to get peanut butter and asking for money, but I'm not sure if I'm going to have any friends left." And I asked my pastor, "Will you still be my friend?" So, I have been bugging a lot of people about this contest and the Mayor in Longview, she's great. But really, it's a challenge and it's a good challenge. And sometimes in the past, the City of Tyler and the City of Longview have kind of butted heads and we've kind of been on our own and we never really have hugged one another. And so, I will say that this competition has been good for that. And I've had more conversations with the Mayor of Longview over the last month than I've had with the Mayor in Longview for the last 10 years, not to blast the previous Mayor. But it's been a good competition. And, you know, as I said yesterday to the Longview newspaper, you know, there's really not a winner or a loser. The winner is the East Texas Food Bank. So tomorrow morning, they're going to give the totals for Longview, Tyler and where we stand. And then the hard cut off is at noon on Friday. So, if you do want to donate, you can bring it here or you can take it to your Brookshires, Fresh or Super One store. Or you can get online at the Food Bank and scroll down and you can donate through different categories so that you can donate 10, 15, 20, 5000, whatever. So, I just thank you for everybody's support. And we will find out that the final number on Monday and a trophy will be presented to the winner. And it will be bragging rights, probably. So,

Councilmember McKellar - Stated that she didn't see any of this council put any peanut butter up there. But she has 12 bottles in her car.

Councilmember Hawkins – Stated that she made a \$25 donation online.

Mayor Warren- Stated I'm sure we will have full Council participation. So that being said, thank you all. And I'll entertain a motion to adjourn.

Councilmember McKellar- Stated before we adjourn, last time we were here, I mentioned the fact that there were 480 Top Ladies that were in town. And I wanted to give recognition to our Director of Parks and Recreation, Leanne, for the great work that she did. She came in in two days. She made everything happen for us. So, thank you, Leanne. Thank you. And so moved.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 9:59 am; seconded by Councilmember Wynne; motion carried 7 - 0 & meeting adjourned.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

