

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
August 23, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 23, 2023 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Don Warren
Mayor Pro Tem:	Brad Curtis
Councilmembers:	Stuart Hene
	Shirley McKellar
	Broderick McGee
	James Wynne
	Lloyd Nichols
City Manager:	Edward Broussard
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
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
Compliance Engineer:	Paul Neuhaus
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Director of Solid Waste, Transit, Manager, Water Utilities System, Operation & Maintenance:	Leroy Sparrow
City Clerk:	Tim Moore
	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Hene.

MINUTES

Motion by Councilmember Wynne to approve the July 26, 2023 minutes; seconded by Mayor Pro Tem Curtis; motion carried 7 - 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 120 years of service with the City of Tyler.

**Kenneth Caudle, Police Officer XIII, 25 years of service
John Bausell, Police Sergeant IV, 30 years of service
Terry Hawkins, Fire/Driver/Engineer, 30 years of service
David Espinoza, Crew Leader, 35 years of service**

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HEARING

- H-1 Request that the City Council consider conducting a public hearing on the proposed Fiscal Year 2023-2024 Annual Budget and on the proposed property tax rate of \$0.247920 per \$100 of taxable property value.**

City Manager, Edward Broussard – Gave a brief presentation on the proposed Fiscal Year 2023-2024 Annual Budget and on the proposed property tax rate of \$0.247920 per \$100 of taxable property value.

City Council opened the public hearing at 9:10 am

Pat Cryer, 3120 Tanglewood and Nathan Noble, 1905 Jarrel Ave. Spoke in reference to the taxes being increased.

Mayor closed the public hearing at 9:19 am with no further citizens coming forward to speak.

- H-2 Request that the City Council to hold a public hearing to consider the adoption of an Ordinance amending Reinvestment Zone Number Four.**

Heather Nick, Asst. City Manager - Stated that the duration of the TIRZ would increase from 2046 to 2060, adjust the estimated total project costs to be \$120,214,424 through 2060 and amend public improvements to include Downtown Square maintenance and public safety services.

City Council opened the public hearing at 9:20 am.

City Council closed the public hearing at 9:21 am.

- H-3 Request that the City Council hold a public hearing to consider the adoption of an Ordinance amending Reinvestment Zone Number Three.**

Heather Nick, Asst. City Manager - Stated that the duration of the TIRZ would increase from 2038 to 2060, adjust the estimated total project costs to be \$34,008,696 through 2060 and amend public improvements to include street projects.

City Council opened the public hearing at 9:21 am.

City Council closed the public hearing at 9:21 am.

ZONING

- Z-1 Z23-026 MOLINA APOLONIO (310 AND 324 NORTH BEVERLY AVENUE)
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1B”, Single-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District. (O-2023-75)**

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

- Z-2 C23-003 UNIVERSITY OF TEXAS SYSTEM (IMPROVED RIGHT-OF-WAY OF PICKENS DRIVE) Request that the City Council consider an Ordinance approving the closure of Pickens Drive. (O-2023-76)**

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

- Z-3 Z23-025 S & D TRAVELS LLC (518 SOUTH SPRING AVENUE) Request that the City Council consider adoption of an Ordinance approving a zone change from "RPO", Restricted Professional Office District to "AR", Adaptive Reuse District. (O-2023-77)**

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

- Z-4 C23-005 DAWSON ABBEY LLC (PORTIONS OF CRESTWAY DRIVE, TRAVIS STREET AND WOODLEY STREET) Request that the City Council consider adoption of an Ordinance approving the closure of unimproved portions of right-of-way of Crestway Drive, Travis Street, and Woodley Street. (O-2023-78)**

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

ORDINANCE

- O-1 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 4 by repealing juvenile curfew regulations to comply with recent changes in State law. (O-2023-79)**

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

- O-2 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 8 by authorizing "Class one: Maximum assist 20 miles an hour with 250-Watt maximum continuous output, pedal assist no throttle" e-bikes upon the grounds of any public park or recreation area or trail. (O-2023-80)**

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

- O-3 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 8 by changing the required size of a memorial or monument, at City of Tyler cemeteries. (O-2023-81)**

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

MISCELLANEOUS

- M-1** **Request that the City Council consider authorizing the City Manager execute a Capital Improvement Project (CIP) drainage construction contract with Platinum Paving, LLC for the Off-System (Non-TxDOT) Crossing 01 project, Bid No. 23-046, for \$1,007,004.19 Bid No. 23-046, with \$708,995.88 from Half-Cent Sales Tax funds, and \$298,008.31 from Stormwater Budget funds.**
- Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.
- M-2** **Request that the City Council consider authorizing the City Manager execute a change order to the 2023 Asphalt Enhancement Project for the reconstruction of Mirabeau Street in the amount of \$196,899.43.**
- Motion by Councilmember McKellar; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.
- M-3** **Request that the City Council consider authorizing the City Manager to execute a Professional Services Consulting contract with HDR, Inc., for the analysis and study of Douglas Blvd for a cost not to exceed \$104,757.98.**
- Motion by Councilmember Wynne; seconded by Councilmember McKellar; 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 the amount of \$1,335,300 with KSA Engineers Inc. for the Lake Tyler Raw Water Pump Station Improvements project and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-39)**
- Motion by Councilmember McGee; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.
- M-5** **Request that the City Council consider authorizing the City Manager to execute an Engineering Services Contract, in an amount not to exceed \$1,758,000, with Langan Engineering and Environmental Services, Inc. for the Consent Decree Group 6 Remedial Measures Implementation.**
- Motion by Mayor Pro Tem Curtis; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.
- M-6** **Request that the City Council consider authorizing the City Manager to execute a Professional Services Consulting contract with H.W. Lochner, Inc., for the design, bidding, construction phase and construction observation services, related to the Settlers Landing and Centennial Blvd Extensions project, for a cost not to exceed \$189,490.00.**

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Motion by Mayor Pro Tem Curtis; seconded by Councilmember Wynne; 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 ratifying staff action and authorizing future staff action for payments to property owners, either via consultants or directly to landowners, for easements and right-of-way for the Legacy Trail – Phase 2 project in the amount not to exceed \$55,000.00.**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase two (2) Sunset Promaster 3500 Conversion Low Floor Vans for the Transit Department from ABC Bus, Inc., through the State of Georgia Contract for \$345,255.72.**
- C-A-3 Request that the City Council consider authorizing the City Manager to purchase one (1) Elgin Street Sweeper from Kinloch Equipment through Sourcewell as part of the Fleet Replacement Program for FY2024 in the amount of \$365,194 per unit.**
- C-A-4 Request that the City Council consider authorizing the City Manager to purchase one (1) new International chassis with a Vactor sewer body through Buyboard contract HT-06-20 from Kyrish Truck Centers for \$428,621.00.**
- C-A-5 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending June 30, 2023.**
- C-A-6 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 #200208 from Doggett Truck Centers for \$442,167.00.**
- C-A-7 Request that the City Council consider authorizing the City Manager to sign an indefinite right-of-way use agreement and consider waiving all permit fees with Tyler Junior College for the purpose of installing and maintaining Flock security camera in the City of Tyler right-of-way.**
- C-A-8 Request that the City Council review and consider accepting the Revenue and Expenditure Report for the period ending June 30, 2023.**
- C-A-9 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will decrease the contract amount by \$190,536.55 for Cleaning and Closed-Circuit Television (CCTV) Recording of Wastewater (Sanitary Sewer) Lines, Groups 6-8, TASB BuyBoard Contract #635-21.**

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

CITY MANAGER'S REPORT

1. We're getting closer to the Second Annual Tyler Arts Festival on Saturday September 9. Tyler Arts Festival is a free community event designed to increase our local artists' visibility and attract people to downtown Tyler. This event is hosted by the Downtown Tyler Arts Coalition, the Main Street Department, and the Liberty Hall Theater. We have 106 vendors participating in several gallery openings being highlighted, an art scavenger hunt, an artist battle, and we will have the opening of the Artist Alleyway that runs through downtown and more.
2. Last week, Staff was able to attend a debrief call with the U.S. Department of transportation on the recent Raise Grant Application that we submitted for our downtown projects. This is the one, if you all remember, approved the resolution for and it moved forward. Congressman Moran was very helpful in trying to help us through the processes and get us before the right people. Our application didn't get approved and we were kind of concerned with what are we missing or were the issues there. So, the debrief that we were able to have with them provided valuable feedback to us on our application and insight to improve the application for the 2024 submission round. We're proud to say Tyler received great feedback. There were 1,100 applications total and consisted of a three-phase review process. Tyler's project received a highly recommended in the merit evaluations and was reviewed in the second phase. During the first phase of the review, the project received the highest rating in six out of eight grading categories. In the remaining two, the project received the second highest rating of what was needed. The comments provided stated that we needed to flesh out the information provided with some additional details. Only 162 projects were funded this grant cycle, so we're very encouraged to be able to update our application and expect to bring you this fall a resubmittal for the next application cycle that's set to open in early 2024.
3. It's always good to brag on the stuff that's going on--the people you meet, say thank you too, and see what they're up to. In the last two weeks, Axon, which is our video camera system for the body cameras and cameras in the car has been on sight at the Police Department with the north and south stations installing in-car video systems. During this time, 79 vehicles were installed, tested, and working. Vehicles from the Police Department, Fire Department, Fire Marshall, and City Marshall were installed with the new system. We want to thank Sergeant Bausell and Theresa Rodriguez for the hours of hard work they put in to make this possible. Also, we want to thank I.T. for their help in making this process. The next steps are next week, Sergeant Bausell will work on getting file set up for the Flock and these are the different cameras that we have to be able to report to the vehicles as well for license plate recognition. This will allow for officers to get alerts during their regular patrols of any suspicious activity, so we're very excited about this moving forward and again, we thank Sergeant Bausell and all the Staff for helping to make this happen.

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ADJOURNMENT

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



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK

