

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 13, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 13, 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
City Attorney:	Deborah G. Pullum
Planning Director:	Kyle Kingma
Chief Financial Officer:	Keidric Trimble
City Fire Chief:	David Coble
City Librarian:	Ashley Taylor
Code Enforcement Manager:	Chris Lennon
Compliance Engineer:	Paul Neuhaus
Operations Manager of Neighborhood Services:	Prentice Butler
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Parks Director:	Leanne Robinette
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 Nichols.

MINUTES

Motion by Councilmember Wynne to approve the August 9, 2023 minutes; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.

PRESENTATION

- P-1 Request that the City Council receive a presentation from Halff Associates, Inc. regarding the City-Wide Water System Model and Master Plan Study.**

Michael Medford, Operations Manager, Preston Dillard, Senior Project Manager, Emily Wright, Civil Engineer, and Mark Priestner Business Development - Gave a brief overview of the City-Wide Water System Model and Master Plan Study.

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- P-2** Request that the City Council consider receiving a presentation on an opportunity to issue approximately \$75,000,000 in revenue bonds to facilitate regulatory compliance and non-regulatory water and sewer projects, consider any appropriate action related thereto and provide general guidance to staff regarding authorization to proceed with this opportunity to issue revenue bonds. (pulled)

HEARING

- H-1** Request that the City Council consider conducting a public hearing to consider renewing the designation of a certain area as Reinvestment Zone No. Two (Hood Packaging) for a period of five years and adopt an Ordinance renewing the designation of Reinvestment Zone No. Two (Hood Packaging). (O-2023-82)

Mayor opened the public hearing at 9:18:18 am

Mayor closed the public hearing at 9:18:21 am with no one coming forward to speak.

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

RESOLUTION

- R-1** Request that the City Council consider adopting a Resolution authorizing the City Manager, as the designated representative of the City of Tyler, to execute advanced funding agreements (AFA) with the Texas Department of Transportation for multiple Highway Safety Improvement Program Projects (HSIP). (R-2023-40)

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

ORDINANCE

- O-1** Request that the City Council consider conducting a public hearing, adopting the Fiscal Year 2023-2024 proposed budget by roll-call vote, and consider authorizing the City Manager to execute the outside agency contracts for Fiscal Year 2023-2024. (O-2023-83)

City Manager, Edward Broussard - Gave a brief presentation concerning the fiscal year 2023-2024 proposed budget.

Councilmember Wynne – Asked If City Council can ask the Transit Staff to look at fares and potential reduction of service, they're all part of this Budget. Come back to Council at a late date with potential ideas for fare rates and for routes based on concerns that we've heard at the Transit meetings. If so, then we can do a budget amendment that would change Transit's budget if there's change in fares and a change in routes.

City Manager, Edward Broussard – Stated most definitely. One of the interesting things about the transit system that Councilman Wynne brings forward is that there are federal

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regulations related to that. There are actions today that we are considering, but don't take impact until you do further actions at the second meeting in October. So, we can come back to the first meeting in October to the Council with a maybe lengthier presentation related to transit and some of the changes that we were looking for, for the services and fees and be able to then have a more in-depth discussion.

Mayor Warren opened the public hearing at 9:34:06 am with the following citizens coming forward:

Alex de Ravel, 600 Tremont St. - Spoke concerning the transit fund.

Craig Ellis, 921 E Eight Street – Stated that he was here to oppose the changes that are proposed in the Tyler Transit part of the budget.

Mayor Warren – Stated that he wanted the public to know the rates have not gone up since, I believe, it was 1993. So, the rates have been the same for 30 years and maybe we went up too quick, maybe we should've stair stepped it. We're not perfect, but I didn't want people out there to think we just doubled the rates overnight. It's been over a 30- year period.

Jeff Noble, 6551 Wheaton Court – Stated that he thinks there is a double and triple rate increase, and he asked if there could be an evaluation--and I know we do this and look at circumstances and situations. If there's an entity that can help evaluate, maybe scholarship funds and things like that that go to the needy. The other thing I think that could be done is a more aggressive approach to grants, sponsorships, promotions, advertising, sales around the vehicles and things. I just encourage you to think creatively like you all spoke about and come up with some good ideas.

Thomas Fabry, 7338 Willowcreek Dr – Spoke concerning the tax increase.

Jackie Everhart Thompson, Texas Workforce Commission, 3800 Paluxy Dr. – Thanked the Council for attending the meeting last night and hearing all the concerns from the public with kids who have disabilities of all kinds. Our overarching goal is to assist individuals with obtaining employment.

Mayor Warren closed the public hearing at 9:50:59 am

Motion by Mayor Pro Tem Curtis to adopt the proposed fiscal year 2023-2024 annual budget and authorize the City Manager to execute particular outside agency contracts budget for fiscal year 2023-2024; seconded by Councilmember Wynne; motion carried 7 - 0 & approved as presented.

City Manager, Edward Broussard – Stated that he just wants to make sure it's clear based on the comments about transit and the concerns brought forward by Councilman Wynne. We want to make sure that we will bring this back to you all in October and, you still have another step to take before you can actually change the transit rates and the service. That has to be done at a future meeting. The action you take today will not automatically go and increase the rate from \$1 to \$2 a day.

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Mayor Warren: Cassandra, could you take a record vote, please?

District 1 Councilmember Hene: Aye
District 2 Councilmember McGee: Aye.
District 3 Councilmember McKellar: Aye.
District 4 Councilmember Wynne: Aye.
District 5 Councilmember Nichols: Aye.
District 6 Councilmember Mayor Pro Tem Curtis: Aye.
Mayor Don Warren: Aye.

Motion by Councilmember Wynne to ratify the property tax increase reflected in the fiscal year 2023-2024 budget, seconded by Councilmember Nichols,

District 1 Councilmember Hene: Aye
District 2 Councilmember McGee: Aye.
District 3 Councilmember McKellar: Aye.
District 4 Councilmember Wynne: Aye.
District 5 Councilmember Nichols: Aye.
District 6 Councilmember Mayor Pro Tem Curtis: Aye.
Mayor Don Warren: Aye.

O-2 Request that the City Council consider adopting an Ordinance setting the property tax rate for Fiscal Year 2023-2024 at \$.247920 per \$100 valuation. (O-2023-84)

Mayor Warren opened the public hearing up at 9:56:38 am

Thomas Fabry, 7338 Willowcreek Dr – Stated that the proposed tax rate is the same as the voter approval tax rate. Translated, that you're voting for the largest property tax rate increase allowed by law without taking that number to these voters. The largest allowed by law. Think about what you're doing, please.

Mayor Warren – Asked if when we talk about the highest rate allowed by law which is 3.5% above the no new revenue rate, that number used to be 8% it's now 3.5%?

Keidric Trimble, Chief Financial Officer – Stated that's correct.

Mayor Warren – Stated okay. I just wanted to clarify that bit.

Edward Broussard, City Manager – Stated this is the lowest tax rate amongst municipalities, let's say over 50,000, because there are a couple that have interesting ways of being able to have calculations. So, you're still the lowest tax rate in the State.

Mayor Warren closed the public hearing at 9:59:32 am

Motion by Councilmember Wynne to move that the property tax rate be increased by the adoption of a tax rate of \$0.247920, which is effectively a 3.5% percent increase in the tax rate; seconded by Councilmember Nichols; motion carried 7 - 0 & approved as presented.

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District 1 Councilmember Hene: Aye
District 2 Councilmember McGee: Aye.
District 3 Councilmember McKellar: Aye.
District 4 Councilmember Wynne: Aye.
District 5 Councilmember Nichols: Aye.
District 6 Councilmember Mayor Pro Tem Curtis: Aye.
Mayor Don Warren: Aye.

- O-3 Request that the City Council consider adoption of an Ordinance amending and updating fees and other applicable adjustments to Tyler City Code Chapter 6 relating to Buildings and Structures, Chapter 8 relating to Parks, Chapter 16 relating to Solid Waste Disposal Regulations, and Chapter 19 relating to Water and Sewer. (O-2023-85)**

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

- O-4 Request that the City Council consider adoption of an Ordinance amending Tyler City Code Chapter 2 to re-adopt guidelines and criteria governing tax abatement in the City of Tyler. (O-2023-86)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to award Bid No. 23-054 for the Noble E. Young Park Trail Lighting to Smith Builders & Developers to furnish all necessary materials, equipment, superintendence, and labor in an amount not to exceed \$124,995.00.**

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 to execute a Construction Contract with Precision Civil in the amount of \$2,304,071.60 for the Consent Decree Group 5 - Remedial Measures Pipeline by Reroute, Bid 23-053 and to adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt. (R-2023-41)**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute an engineering contract with Yvonne Newman Engineering, Inc. for the 2022 Highway Safety Improvement Program Project, Shiloh Road at Sweetbriar Lane LED Curve Warning System, in the amount of \$15,800.**

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider recommendations for appointment and re-appointment of members to the various City Boards. (See attached exhibit A)

Following individuals were here to speak:

Catherine Roots, 15816 McElroy Rd.

Craig Licciardi 309 Maggie Circle, Flint

Katherine Maxwell McDonald, 13559 White Tail Dr.

Sheryl Hazelwood, 5401 Hollytree Dr.

Dennis Black, 103 Baily Dr.

Sean Healy left before speaking.

Motion by Councilmember McGee to appoint, reappoint those parties that were reflected in the August 23, 2023, Work Session; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.

Councilmember Wynne – Stated that one point on the Board change, you have to be a resident of the City of Tyler to be on Boards. There's only a couple of exceptions that require special training that because of the lack of ability to fill those spots, we've reached out to people in Smith County.

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 City Manager to execute an engineering contract with Yvonne Newman Engineering, Inc. for the 2021 Highway Safety Improvement Program Project, Retroreflective Backplates and LED Signal Indications, in the amount of \$27,800.**
- C-A-2 Request that the City Council consider authorizing the City Manager to apply for and accept eighteenth year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation.**
- C-A-3 Request that the City Council consider authorizing the City Manager to purchase one (1) dump truck from Bond Equipment, buyboard contract 601-19 for a purchase cost of \$196,449.00 for Water Distribution.**
- C-A-4 Request that the City Council consider authorizing the City Manager to purchase three (3) New England Wheels Frontrunner Promaster Buses for the Transit Department from ABC Bus Inc. for \$650,907.00 through the Georgia DOAS contract 99999-SPD-SPD0000212-0010.**

- C-A-5 Request that the City Council consider authorizing the City Manager to execute a contract amendment in the amount of \$6,000, with KSA Engineers, Inc., for additional services related to the Earl Campbell Gravity Sewer Main project.**
- C-A-6 Request that the City Council consider authorizing the City Manager to execute a contract amendment in the amount of \$21,850, with KSA Engineers, Inc., for additional services related to the Southside Wastewater Treatment Plant Aeration Basin and Final Clarifier Improvements project.**
- C-A-7 Request that the City Council consider authorizing the City Manager to enter into a contract with Anchor Safety to provide City wide fire extinguisher and fire safety related items maintenance, repair and replacement for all City of Tyler facilities at fixed listed pricing provided over the next five (5) years.**
- C-A-8 Request that the City Council consider authorizing the City Manager to execute a professional services contract with Alliance Transportation Group to develop the 2050 Metropolitan Transportation Plan for the Tyler Area Metropolitan Planning Organization in an amount not to exceed \$150,000.**
- C-A-9 Request that the City Council consider authorizing the City Manager to execute a contract with All Pro Services for the preparation and painting of Police Department exterior in the amount of \$159,000.00.**
- C-A-10 Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Sak-Crete & Portland, Utility Cut Base Repair Material, and Herbicide Treatment for Drainage and Roadsides for one year beginning October 1, 2023.**
- C-A-11 Request that the City Council consider authorizing the City Manager to execute Work Order #1 to KSA Engineers, Inc., to provide engineering services for the construction of a new Airport Lighting Vault for a total cost of \$138,844.00 at Tyler Pounds Regional Airport.**
- C-A-12 Request that the City Council consider authorizing the City Manager to award sole source procurement to Texas Materials Group, Inc. DBA East Texas Asphalt Co., for asphalt emulsions, cold laid asphalt, hot mix asphalt, asphalt stabilized base, hot oil sand base and oil dirt during Fiscal Year 2023-2024.**
- C-A-13 Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of Sensus water meters, transceiver units, and register units during Fiscal Year 2023-2024 as needed.**
- C-A-14 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**

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through OMNIA, Staples through Sourcewell and purchase products from Amazon through the OMNIA coop for the fiscal year, October 1, 2023, thru September 30, 2024.

- C-A-15** 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 2023-2024.
- C-A-16** 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 extend Bid Number 20-067, to Tyler Iron & Metal Co. Inc. of Tyler, Texas for the fiscal year beginning October 1, 2023.
- C-A-17** 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, 2023.
- C-A-18** Request that the City Council consider reviewing and approving the Smith County 911 District Budget for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024.
- C-A-19** Request that the City Council consider adopting an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2023 rate review mechanism ("RRM") filing. (O-2023-87)

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

CITY MANAGER'S REPORT

1. Sales tax figures available from the Texas Comptroller's website came in this week and indicate our sales tax revenues to be positive this week are \$5.11 million. This compares to revenues of \$4.71 million for the same period last year. The actual increase for the month compared to the same month last year was 8.52% and this compares with a state-wide monthly average of 3.29% increase in sales tax revenue collections for cities.
2. The Tyson House has been an item that the City Council has taken action on a few times during the past few months. The demolition was scheduled to begin yesterday. There was some additional work that came along for onboard, having to deactivate the lines around there, so we will begin to see the demolition start on September 18. So, Cactus Abatement & Demolition will be mobilizing out there at that point to begin for the demolition of the building.
3. The Fire Marshal position became open a couple of months back and we did an assessment, Chief Coble, and I, we looked at some of the different candidates and he led on that activity. Fire Assistant Chief Joey Hooton has been appointed provisionally to the position of the City of Tyler Fire Marshal effective October 1. Chief Hooton has been a Tyler Fire Fighter for more than 21 years with the last six years serving on command staff. He recently earned his master's degree in public administration and has

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shown outstanding skills, creativity, and leadership as a command staff member. He successfully led several projects working with internal and external stake holders to enhance our community trust and customer service. And so, the Fire Marshal appointment will be brought to the Council later as far as for official appointment and we congratulate Joey Hooton on his well-deserved appointment and wish him success in his new role.

4. Finally, we had the East Texas Symphony in the Park. It was on Saturday September 2, and it was a great success with approximately 600-700 attendees being able to be there. We had different vendors. Our Parks Department was well represented. Our Police Department was well represented. I know the Mayor and Council were seen there and so it was a great Labor Day experience. And so, we're very proud to partner with East Texas Symphony Orchestra to have people put that project on.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:29 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

