

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 11, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 11, 2016 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

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| Mayor: | Martin Heines |
| Mayor Pro Tem: | Edward Moore |
| Councilmembers: | Mark Whatley Linda Sellers Darryl Bowdre John Nix Don Warren |
| City Manager: | Edward Broussard |
| City Attorney: | Deborah G. Pullum |
| Deputy City Attorney: | Steve Kean |
| Managing Director for Administration: | ReNissa Wade |
| Chief Information Officer: | Benny Yazdanpanahi |
| City Engineer: | Carter Delleney |
| City Fire Chief: | Les Schminkey |
| Police Chief Designate: | Jimmy Toler |
| Managing Director for Public Safety & Police Chief: | Gary Swindle |
| Director of Parks and Recreation: | Stephanie Rollings |
| Director of Solid Waste: | Russ Jackson |
| Vehicle/Equipment Services Manager: | Leroy Sparrow |
| Director of Development Services: | Heather Nick |
| Managing Director for Utilities/Public Works and Utilities: | Greg Morgan |
| City Clerk: | Cassandra Brager |

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Motion by Councilmember Sellers to approve the April 27, 2016 minutes; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognitions

The following employees were hired by the City of Tyler during the month of April 2016. We would like to take this opportunity to welcome these new employees.

New Employees

| FIRST NAME: | LAST NAME: | POSITION: | DEPARTMENT: |
|--------------------|-------------------|------------------------|-----------------------|
| Ross | Melton | Fire Recruit | Fire |
| Eric | Livingston | PS Telecommunicator II | Police |
| Brent | McClendon | Downtown Ambassador | Liberty Hall |
| Marco | Reyes | Laborer | Parks |
| Bryone | Arnold | Custodian | Parks |
| Thomas | Rankin | Circulation Tech Sub | Library |
| Judy | Flemons | Circulation Tech Sub | Library |
| Ryan | Bowen | Semi-Skilled Laborer | Water |
| Jesse | Cohen | Police Recruit | Police |
| Krystal | Duran | Senior Clerk | Neighborhood Services |
| William | Braesicke | Plant Operator I | Water |
| Joyce | Haire | Bus Driver | Transit |
| Sterling | Jones | Plant Operator I | Water |

ZONING



Z-1 Z04-16-031 WACO DOUBLE J LLC (3615 VAN HIGHWAY)

Request that the City Council consider approving a zone change from “C-1”, Light Commercial District to “PXR”, Planned Mixed Residential District with final site plan. (O-2016-43)

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

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution committing the City to participating in an equivalent-match program and to authorize the Mayor to execute Advanced Funding Agreements (AFAs) with the Texas Department of Transportation (TxDOT) for the construction of storm drainage related projects on South Bennett Avenue and Cecil Drive. (R-2016-12)

Motion by Councilmember Whatley; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

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- R-2 Request the City Council consider adopting a Resolution authorizing the Police Department to participate with other law enforcement agencies in the submission of a grant request from the Texas Automobile Burglary and Theft Prevention Authority and to include authorizing the City Manager to enter into a cooperative working agreement regarding the same. (R-2016-13)**

Motion by Councilmember Warren; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to enter into contract negotiations with Turner/DRL for the design and construction of the hotel conference center project.**

Motion by Councilmember Bowdre; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to enter into a contract with the Griggs Group, Inc., an independent architectural firm, to act as the City's representative for the hotel conference center project.**

Motion by Councilmember Nix; seconded by Councilmember Sellers; motion carried 7 - 0 & approved as presented.

Councilmember Nix exit

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 approve a reimbursement, in the amount of \$51,536.10, to Tyler Park Hill Ventures, LLC for the construction of an oversized, 12-inch water main.**

- C-A-2 Request that the City Council consider adoption on an ordinance amending Tyler City Code Chapter 1, Article IV., by updating and amending the City Administrative Appeals Process. (O-2016-44)**

- C-A-3 Request 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 2016 rate review mechanism ("RRM") filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached tariffs to be**

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just and reasonable and in the public interest; requiring the Company to reimburse cities'

reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC Executive Committee's legal counsel. (O-2016-45)

Motion by Councilmember Bowdre; seconded by Mayor Pro Tem Moore; motion carried 6 – 0-1 & approved as presented.

Councilmember Nix enters

CITY MANAGER'S REPORT

1. Special Called meeting to canvass the election returns and the State of the City Address will be May 18th.
2. Special Called meeting will be June 29th for voluntarily annexation of Skidmore Lane.
3. Today at noon-Peace Officer's Memorial Service.
4. Brief summary of budget report – Departments reduced 1% in their budgets to help meet budget short-falls.
5. During the month of April had an outreach for Animal micro chipping.
6. Special note of thanks to ACM, Susan Guthrie, last week at the City. City Council made comments of THANKS and well wishes.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:39 am.

Executive Item No. 1:

Under Tex. Gov't Code Section 551.072 "Real Estate" deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities.

Executive Item No. 2:

Under Tex. Gov't Code section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to a prospect, and to consider financial and other information about that prospect/project with which the City is conducting economic development negotiations that could lead to a partnership in Tyler.

Executive Item No. 3:

Under Tex. Gov't Code section 551.074 "Personnel Matters" deliberation regarding the following:

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The employment, duties, and evaluation of the City Manager.

Motion by Councilmember Whatley; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented.

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

City Council reconvened from executive session at 10:21 am.

On an annual bases the City Council reviews the City Manager's contract and salary. This review was very favorable. The following action at this time is no pay grade increase for the City Manager. The City Council finds that very professional even though he has done a great job.

ADJOURNMENT

Motion by Councilmember Nix to adjourn the meeting at 10:26 am; seconded by Councilmember Whatley; motion carried 7 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



The seal is circular with a dotted border. The outer ring contains the text "CITY OF TYLER" at the top and "TEXAS" at the bottom. The inner circle features a central emblem with a star and the word "SEAL" in large letters. Below the emblem, the words "CITY OF TYLER" are written in a smaller font.