

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 14, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 14, 2016 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor: Martin Heines
Mayor Pro Tem: John Nix
Councilmembers: Mark Whatley
Linda Sellers
Darryl Bowdre
Ed Moore
Don Warren

City Manager: Edward Broussard
City Attorney: Deborah G. Pullum
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Chief Financial Officer: Keidric Trimble
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Carter Delleney
City Fire Chief: Les Schminkey
Police Chief: Jimmy Toler
Managing Director of Culture, Recreation and
Tourism Services: Stephanie Rollings
Director of Solid Waste & Transit Services: Russ Jackson
Vehicle/Equipment Services Manager: Leroy Sparrow
Managing Director of Planning &
Economic Development: Heather Nick
Water Business Office Manager: Jim Yanker
Interim Managing Director for Utilities
/Public Works: Gordon Mayer
Development Manager: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognition

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

September 14, 2016

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
William	Battee	Truck Driver	Water
Jose	Bustos	Truck Driver	Water
Susan	Tingle	PS Telecommunicator II	Police
Jacob	York	PS Telecommunicator II	Police

PRESENTATIONS

P-1 Request that the City Council consider accepting the “Certificate of Achievement for Planning Excellence” from the American Planning Association – Texas Chapter in recognition of exemplary professional city planning.

Heather Nick, Managing Director of Planning and Economic Development – Presented the City Council with the 2016 Certificate of Achievement for Planning Excellence” from the American Planning Association - Texas Chapter in recognition of exemplary professional city planning.

P-2 Request that the City Council consider hearing a presentation from Visit Tyler (formerly Convention & Visitors Bureau). The presentation will update the Council on the performance metrics set forth in the annual Consulting Services Agreement between the City of Tyler and Visit Tyler.

Stephanie Rollings, Managing Director Culture, Recreation, Tourism - Introduced Sherry Lee, Visit Tyler. Sherry stated that this annual review and presentation to Council consists of an overview of Visit Tyler’s commitment to this contract. Visit Tyler has provided professional services to the City by serving as the destination marketing organization. They are in compliance with the contract by meeting each of the services requested. In meeting all the requirements of the contract, Visit Tyler has grown the awareness of Tyler, Texas as a tourist destination worldwide. The earned media reach is well over five million dollars. The conventions, sports groups and leisure travelers, together have reached record numbers. The measure of success is found in the economic impact for the City, and travel and tourism bring more than \$392 million dollars per year.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the City of Tyler’s continued participation with the Atmos Cities Steering Committee, and authorizing the payment of two and a half cents per capita (\$2725.00) to the Atmos Steering Committee to fund regulatory and associated activities related to Atmos Energy Corporation. (R-2016-33)

September 14, 2016

Deborah Pullum, City Attorney – Stated that most municipalities have retained original jurisdiction over gas utility rates and services within the municipal limits. The Atmos Steering Committee (ACSC) is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division (Atmos Mid-Tex), regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair to customers. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years of experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 166 ACSC member cities, which represent more than 60 percent of the total load served by Atmos Mid-Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities and their citizens for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings and legislative efforts impacting the rates charged by Atmos within the City of Tyler. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities and their citizens. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership in ACSC.

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

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance amending and updating fee and other applicable adjustments to Tyler City Code Chapter 8 relating to regarding Parks, Chapter 16 relating to Solid Waste Disposal Regulations, and Chapter 19 relating to Water and Sewer. (O-2016-78)**

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

- O-2 Request that the City Council consider adopting the Fiscal Year 2016-2017 proposed budget ordinance, Fiscal Year 2015-2016 budget amendments, and authorize the City Manager to execute the outside agency contracts for Fiscal Year 2016-2017. (O-2016-79)**

September 14, 2016

Motion by Mayor Pro Tem Nix to adopt the proposed budget and authorize the City Manager to execute outside agency contracts budgeted for Fiscal Year 2016-2017; seconded by Councilmember Moore; motion carried 7 - 0 & approved as presented.

Motion by Councilmember Whatley to ratify the property tax increase reflected in the fiscal year 2016-2017 budget; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented by record vote.

O-3 Request that the City Council consider adopting the property tax rate ordinance of \$0.230000 cents per \$100 valuation for Fiscal Year 2016-2017. (O-2016-80)

Councilmember Warren made the motion that the property tax rate be increased by the adoption of a tax rate of \$0.23 cents per \$100 dollars of appraised value, which is effectively a 5.84 percent increase in the tax rate; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

O-4 Request that City Council consider approval of an Ordinance adopting a policy to allocate one-cent of the City's ad valorem tax rate towards annual street improvement and maintenance and to create Fund 103, Street Improvement Fund. (O-2016-81)

Mayor and City Council thanked the City staff for their hard work, forward thinking and being open to cutting departmental budgets in order to meet the budget needs.

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2016 Citywide Sidewalk Improvements to the lowest bidder South Texas Illumination, LLC in the amount of \$86,862.85.

Kyle Dykes, Project Manager – Stated that for the past several years the City has allocated funding to improve sidewalks that are in disrepair and create better connectivity with existing sidewalks. In 2015, bids exceeded the \$50,000 budget so those funds were carried forward for a total 2016 budget of \$93,584. This approach provides for a larger project and better economy of scale.

Two locations are identified for improvement. The first location consists of new sidewalk along the south side of Garden Valley Road from Boulder Middle School to NNW Loop 323 (District 3). The second location is a short sixty foot section of failed sidewalk at the intersection of Mustang Trail and Blanco Drive (District 5).

The project was publicly advertised and bids were opened on Tuesday, August 23, 2016. The following bids were received:


September 14, 2016

<u>Contractor</u>	<u>Base Bid</u>
South Texas Illumination, LLC	\$86,862.85
Crown Civil Construction Corp.	\$104,930.00


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

M-2 Request that the City Council consider authorizing the City Manager to execute formally and sign a Request for Public Safety Answering Point project participation funds (PSAP).

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

 **M- Request that the City Council consider authorizing the City Manager to award Work Order No. 8 with Wisenbaker, Fix and Associates in an amount not to exceed \$449,360.00 to provide construction administrative services for the 2016 Runway 4/22 Rehabilitation-Project 3 at Tyler Pounds Regional Airport.**


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


 **M-4 Request that the City Council consider authorizing the City Manager to award Tyler Bid number 16-032 to Reynolds & Kay Ltd., for the construction of Runway 4/22 Rehabilitation Project 3 in the amount of \$9,032,318.99.**

Motion by Mayor Pro Tem Nix; seconded by Councilmember Moore; 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 City Manager to execute the first renewal option for a five year period from July 1, 2016 through June 30, 2021 at the current rates as set forth in the lease for the first floor of the North Side Terminal Building to the Historic Aviation Memorial Museum (H.A.M.M.).**

 **C-A-2 Request that the City Council consider approving a Non-Federal Reimbursable Agreement between the Federal Aviation Administration (FAA) and Tyler Pounds Regional Airport for engineering support for the relocation of Navigational Aids (NavAids) and other equipment due to reconfiguration of Runway 4 to an Instrument Runway in the amount of \$269,428.33 and approve the Half Cent Sales Tax Board to fund 10%, the maximum local obligation, totaling \$26,942.83.**

September 14, 2016

- C-A-3** Request that the City Council consider ratifying the execution of a Discretionary Service Agreement with Oncor Electric Delivery for a relocation of facilities for the runway expansion along County Road 1141 and 1145 on Tyler Pounds Regional Airport property in the amount of \$92,544.00.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase various vehicles and equipment from Buy Board and Texas Smart Buy.
- C-A-5** Request that the City Council consider adopting a resolution to authorize the application for and acceptance of Federal Transit Administration (FTA) Grant Funds in the amount of \$1,701,799 for the purpose of providing public transportation for the City of Tyler along with the acceptance of 107,300 in Transportation Development Credits (TDC). This resolution also accepts any grant amendments to increase the grant funding levels. (R-2016-34)
- C-A-6** Request that the City Council consider authorizing the purchase of real property located at 1920 Fleishel Avenue to facilitate drainage improvements.
- C-A-7** Request that the City Council consider authorizing the City Manager to execute the release of the easement associated with Lot 2-C, NCB 852-T Tyler, Texas.
- C-A-8** Request that the City Council consider authorizing the City Manager to sign and acknowledge permanent drainage easements for the purpose of maintaining storm water drainage facilities across private property in between Oakway Drive and Oxford Drive.
- C-A-9** Request that the City Council consider authorizing the City Manager to enter into an agreement with the Jim and Dottie Hairston Family Partnership for the partial funding of a drainage structure over West Mud Creek Tributary M-11 in an amount not to exceed \$100,000 to be reimbursed at the time of substantial completion of the drainage structure and Dueling Oaks.
- C-A-10** Request that the City Council consider authorizing the City Manager to award the various annual price agreements for Asphalt/Street Materials; Sak-Crete/Portland; Ready Mix Concrete; and Utility Cut Base Repair Material for the Fiscal Year beginning October 1, 2016.
- C-A-11** Request that the City Council consider authorizing the City Manager to execute an Advanced Metering Infrastructure (AMI) agreement with Sensus USA and upgrade the current Meter Data Management (MDM) software to a hosted Software as a Service (SaaS) solution.
- C-A-12** Request that the City Council authorize the City Manager to amend the Biosolids contract with Synagro of Texas to a cost \$375.00 per dry ton to Synagro of Texas, Houston, Texas, for the removal of biosolids from the Westside Treatment Plant lagoon.

September 14, 2016

C-A-13 It is recommended that the City Council authorize the City Manager to apply for and accept tenth year funding under the Comprehensive Traffic Enforcement Grant program administered by the Texas Department of Transportation.

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

CITY MANAGER'S REPORT

1. Liberty Utilities has filed a rate increase
2. Formed a food establishment round table
3. On September 24 we will conduct a community open house and planning session with the Smith County Historical Society.
4. Train quiet zone goes into effect tomorrow at 9:00 am
5. CIP report update handed out

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:11 a.m.

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.

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

City Council reconvened from executive session at 10:32 a.m. with the following action being taken:

Edward Broussard, City Manager – Presented a MOU (Memorandum of Understanding) with Champ Hospitality regarding the continuation of the hotel/conference center project. The MOU

September 14, 2016

launches the Tyler hotel/conference center project to put it into the next phase, outlining the requirements of the City, Champ Hospitality, and the hotel.

Mayor Heines and City Attorney Deborah Pullum emphasized the MOU is not the completed project but the next step in the continuation of the ongoing hotel/conference center project negotiation and process.

Mr. Joe Champ, president of Champ Development, addressed council giving support for the MOU and next steps in the hotel/conference center project.

Motion by Councilmember Whatley to approve the MOU between the City of Tyler and Champ Hospitality to authorize the City Manager to execute the MOU; seconded by Mayor Pro Tem Nix; motion carried 7 - 0 & approved as presented.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:44 a.m.; seconded by Councilmember Moore; motion carried 7 - 0 & meeting adjourned.



**MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:



CASSANDRA BRAGER, CITY CLERK