

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
August 26, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 26, 2015 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:	Edward Moore
Councilmembers:	Mark Whatley Linda Sellers Darryl Bowdre John Nix Don Warren
City Manager:	Edward Broussard
Asst. City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
Director of Planning:	Heather Nick
Water Business Office Manager:	Jim Yanker
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Pastor Jimmy Olanrewaju from All Nations for Christ Deliverance Ministries

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Award Recognition

The City Council recognized the following employees for their years of service and commitment to the City of Tyler. At this important milestone, the Council expressed their sincere appreciation for the dedication and for the special contribution that each of these employees made to the organization. These employees represent **25 years** of service with the City of Tyler.

August 26, 2015

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT :	YEARS OF SERVICE:
08/10/1990	Joan	Schrader	Water Utility Office Supervisor	Water Administration	25

ZONING

Z-1 Z08-15-071 TERRY GRAHAM INTERESTS, LTD (2323 FRANKSTON HIGHWAY)

Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "R-MF", Multi-Family Residential District. (O-2015-84)

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

Z-2 Z08-15-073 PATH (2913, 2917, 2921 NORTH GRAND AVENUE)

Request that the City Council consider approving a zone change from "C-1", Light Commercial District and "R-2", Two-Family Residential District to "R-1B", Single-Family Residential District. (O-2015-85)

Greg Grubb, 402 W. Front St. – Stated that this project will allow the expansion of two more homes and move families out of poverty.

Mayor Pro Tem Moore – Asked what were the values of the homes being built.

Greg Grubb, 402 W. Front – Stated that these are 3 bedroom, brick, energy efficient homes, and the bidding prices have been around the \$90,000 to \$95,000 range.

Mayor Pro Tem Moore - Stated that he had deep concerns about these types of housing projects, because the homes being built are destroying the value of the homes that were already in the neighborhood. Mayor Pro Tem Moore stated that he was not here to stop this particular process. However, he wanted PATH to look at their process, especially when the building of PATH homes would result in the devaluation of homes already in a neighborhood. Mayor Pro Tem Moore suggested that if homes are going to be built in the proposed area, the value should start at \$150,000 and up because the project could really devalue people's property in that area.

Greg Grubb, 402 W. Front - Stated that he believed their PATH homes compare very favorably in value with homes that are retailing for \$150,000. Mr. Grubb also stated that PATH has been able to work with the City to get property that has been foreclosed on and their organization is just trying to save properties in any areas that they can.

Councilmember Bowdre - Stated that he is concerned about the individual who goes to the bank to get a remodel or a loan for their home and then realizes that their property values were lowered by the appraisal district because of projects like this one.

August 26, 2015

Councilmember Bowdre stated that when they are asked to approve building PATH homes like the ones proposed, they have to constantly think of those people who already have homes and who have made endless investments in this part of town.

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

Z-3 F08-15-107 COOKS RANCH UNIT 1, FIRST AMENDMENT

Request that the City Council consider approving a plat for a three lot subdivision containing approximately 2.04 acres of land located north of the northeast intersection of County Road 122 and Cooks Crossing, and a waiver of escrow estimated to be \$47,652 for street improvements to County Road 122.

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

Z-4 F08-15-114 HIDDEN HOLLOW ACRES, THIRD AMENDMENT

Request that the City Council consider approving a plat for a two lot subdivision containing approximately 0.85 acres of land located west of the intersection of Old Noonday Road and Hidden Hollow Lane, and a waiver of escrow estimated to be \$4,198 for street improvements to Old Noonday Road.

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

HEARINGS

H-1 Request that the City Council consider conducting a public hearing for August 26 and September 9, 2015 on the proposed Fiscal Year 2015-2016 Annual Budget and on the proposed property tax rate of \$0.220000 per \$100 of taxable property value and consider taking action to adopt the proposed tax rate and Fiscal Year 2015-2016 Annual Budget on September 22, 2015.

City Manager, Ed Broussard – Gave a brief presentation on the Fiscal Year 2015 – 2016 proposed budget.

Mayor Heines opened the public hearing for comments and called for persons wishing to speak on the item. The public hearing was closed after no one appeared wishing to speak.

H-2 Request that the City Council conduct a public hearing and consider adoption of a Resolution authorizing tax-exempt financing by the Oglesby Education Facilities Corporation for the benefit of Cumberland Academy, with no financial obligation to the City of Tyler. (R-2015-23)

Mayor Heines opened the public hearing for comments. The public hearing was closed after no one appeared wishing to speak.

August 26, 2015

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

RESOLUTIONS

R-1 Request that the City Council adopt a Resolution ratifying submission of an application for and authorizing acceptance of FAA Grant Number 3-48-0215-36-2015 totaling \$9,841,711 to fund 90 percent of the 2015 Runway 4/22 Rehabilitation Construction and Engineering Design administration at Tyler Pounds Regional Airport. This resolution authorizes acceptance of any grant amendments to increase the grant funding levels, as well as authorizing the City's match payment not to exceed ten percent for proposed grant projects. (R-2015-24)

Motion by Councilmember Bowdre; 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 award Tyler Bid Number 15-015 for the construction of the 2015 Runway 4-22 Rehabilitation - Project 2 in the amount of \$10,467,104.79 pending award of FAA Grant 3-48-0215-36-2015.

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

M-2 Request that the City Council consider authorizing the City Manager to award Work Order 7 with Wisenbaker, Fix and Associates in an amount not to exceed \$468,129.75 to provide construction administrative services for the 2015 Runway 4-22 Rehabilitation- Project 2 at Tyler Pounds Regional Airport pending award of FAA Grant 3-48-0215-36-2015.

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

M-3 Request that the City Council consider approving the Smith County 9-1-1 Communications District Proposed FY 2015-2016 District Operating Budget.

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

M-4 Request that the City Council consider authorizing the City Manager to sign a "Letter of Engagement for Professional Audit Services" with Gollob Morgan Peddy PC to perform the Fiscal Year 2014-2015 Annual Audit for a total combined maximum fee including all out of pocket expenses not to exceed \$97,750.

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

August 26, 2015

M-5 Request that the City Council consider authorizing the City Manager to execute an annual data sharing agreement with Arp ISD, Bullard ISD, Chapel Hill ISD, Tyler ISD, Whitehouse ISD, Winona ISD, Institutions of Higher Education and the Tyler Area Partnership 4 Education for research purposes.

Christi Khalaf, Education Data Sharing – Gave a brief update on the data to make the biggest impact.

Motion by Mayor Pro Tem Moore; seconded by Councilmember Warren; 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 sign a Memorandum of Understanding addressing the adoption of the Texas Department of Transportation's federally-approved disadvantaged business enterprise program.

C-A-2 Request that the City Council consider ratifying staff action for payment in the amount of \$28,350.88 to Reynolds & Kay, Ltd for emergency repairs to the sanitary sewer main at US 69 North and Lakewood Drive.

C-A-3 Request that the City Council consider authorizing the City Manager to purchase various vehicles and equipment from HGAC, Buy Board, and lowest qualified bids received.

C-A-4 Request that City Council consider rejecting all bids submitted for the Rose Garden Restoration Phase 1, Bid No. 15-022, and authorize the City of Tyler Engineering Department to advertise the project again at a later date.

Motion by Councilmember Sellers to accept the entire consent agenda items; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

- 1. Planning won Planning Excellence Award**
- 2. Finance received the Distinguished Budget Presentation Award from Government Finance Officers Association.**
- 3. Police Department and Traffic Department assisted school districts with the first day back to school to make sure the flow of traffic was smooth. TISD approved additional improvement to Three Lakes traffic flow.**
- 4. Bonds were priced and results came back very favorable.**

August 26, 2015

5. CIP Report handed out

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:00 am

Executive Item No. 1:

Under 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. 2:

Under 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. 3:

Under Tex. Gov’t Code section 551.071 “Litigation” deliberation regarding the following:

1. Possible or contemplated litigation regarding the *Yaneth Fuentes; Hector Alfonso Fuentes; Victor Javier Fuentes; Kimberly Yuri Fuentes; Juan Fuentes; Angelica Fuentes, v. Matthew Riggle* suit;
2. Pending or contemplated litigation involving EPA;

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above.

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

City Council reconvened from executive session at 10:36 am with the following actions:

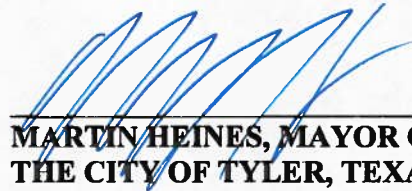
Final action on R-2 with a presentation by Susan Guthrie and Tom Mullins.

1. Motion by Councilmember Bowdre to adopt a Resolution nominating Fresenius Medical Holdings, Inc. for award of a State of Texas Enterprise Zone project designation and expressing intent to offer Tax Abatements and other local incentives; seconded by Mayor Pro Tem Moore; motion carried 7 - 0 & approved as presented
2. Motion by Councilmember Whatley to approve the Chapter 380 Incentive Agreement between the City of Tyler and Fresenius Medical Holdings, Inc. and authorize the City Manager to execute all contract and other documents related to this agreement; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented

August 26, 2015

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:50 am; seconded by Councilmember Warren; 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. In the center, there is a stylized emblem featuring a scale of justice and the word "SEAL" in large, bold letters.