

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
September 22, 2015**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Tuesday, September 22, 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
Managing Director for Administration: ReNissa Wade
Community Development Manager: Larry Everett
Chief Financial Officer: Keidric Trimble
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Managing Director for Public Safety
& Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
Director of Solid Waste: Russ Jackson
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

Edgar Galdámez from Grace Español Campus.

MINUTES

Motion by Councilmember Bowdre to approve the September 9, 2015 minutes; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Award Recognition

We would like to recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your

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dedication and for the special contribution you make to our organization. These employees represent 40 years of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
09/25/1995	Michael	Malone	Police Sergeant IV	Police	20
09/25/1995	Raul	Macias	Crew Leader	Water Distribution	20

ZONING

Z-1 C09-15-008 BOB KURTZ (BAILEY DRIVE)

Request that the City Council consider approving the closure of an unimproved portion of Bailey Drive connecting Baxter Avenue and East Front Street. **(O-2015-86)**

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

Z-2 Z09-15-074 WERNER-TAYLOR LAND & DEVELOPMENT (7605, 7606, 7611, 7612, 7617, 7620, 7623, 7628, 7629, 7634, 7635, 7640, AND 7641 CROSSWATER)

Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "PUR", Planned Unit Residential District with written narrative. **(O-2015-87)**

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

Z-3 S09-15-015 CATHOLIC DIOCESE OF TYLER (615 WEST COCHRAN STREET)

Request that the City Council consider approving a Special Use Permit to allow for a columbarium for an indefinite period of time. **(O-2015-88)**

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

Z-4 Z09-15-076 MARGARITO AND ANAYOSMA AMATECO (3422 AND 3414 SHADY TRAIL)

Request that the City Council consider approving a zone change from "POD", Planned Office District to "R-1B", Single-Family Residential District. **(O-2015-89)**

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

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Z-5 Z09-15-075 ALTRA FEDERAL CREDIT UNION (8976 SOUTH BROADWAY AVENUE)

Request that the City Council consider approving a "PCD", Planned Commercial Development District final site plan amendment. (O-2015-90)

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

Z-6 F09-15-126 BERGFELD SUNSHINE ADDITION, FINAL PLAT

Request that the City Council consider approving a plat for a one lot subdivision containing approximately 0.32 acres of land located south of the intersection of North Whitten Avenue and West Queen Street, and a waiver of escrow estimated to be \$5,334 for street improvements to West Queen Street and Maple Street.

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

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.

RESOLUTIONS

R-1 Request that the City Council consider adoption of a Resolution authorizing the City Manager to execute a Memorandum of Understanding with the Texas Department of Transportation (TxDOT) and Hiway 80 Rescue Mission regarding art work and maintenance thereof on TxDOT-owned right-of-way under the Bridge at Gentry Parkway and N. Fannin Avenue. (R-2015-26)

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

ORDINANCES

O-1 Request that the City Council consider adopting an Ordinance amending and updating Tyler City Code Chapter 4 related to Alarm Fees, Chapter 8 relating to fee adjustments regarding Cemeteries, Harvey Convention Center and Rose Garden Center, Chapter 9 relating to Library Non-Resident Memberships and Computer Use, and Chapter 19 relating to water and sewer rate increases. (O-2015-91)

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

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O-2 Request that the City Council consider adopting the Fiscal Year 2015-2016 proposed budget ordinance, Fiscal Year 2014-2015 budget amendments, and authorize the City Manager to execute the outside agency contracts for Fiscal Year 2015-2016. (O-2015-92)

Larry Meckley, 401 Sutherland – Stated that he wanted to see funds increased for roads, and the Parks & Recreation Department. Mr. Meckley stated that he would like to see a committee formed in order to make sure the Tyler 21 plan is followed and he would like to be on the committee.

Mayor Heines – Stated that Golden Road, Emmitt Scott and the Children’s Park remodeling is in the budget this year. Stewart Park was in last year’s budget and will be in next year’s budget. Bergfeld Park has had tremendous increases. Legacy Trail was proposed with a grant coming from the State of Texas and utilizing money we had set aside to increase a trail from South Tyler trail down to Faulkner Park. The City has also increased about 2 bike trails within the last couple of years. Cumberland Road extension is about a 20 million dollar project that has been moved up to help with congestion in South Tyler. Tyler is going to always be behind in parking because of the huge amount of people coming into town.

Motion by Councilmember Nix to adopt the proposed budget and authorize the City Manager to execute outside agency contracts budgeted for fiscal year 2015-2016; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Record vote by each City Council

District 1 Councilmember Linda Sellers	Aye
District 2 Councilmember Darryl Bowdre	Aye
District 3 Councilmember Ed Moore	Aye
District 4 Councilmember Don Warren	Aye
District 5 Councilmember Mark Whatley	Aye
District 6 Councilmember John Nix	Aye
Mayor Martin Heines	Aye

Motion by Councilmember Whatley to ratify the property tax increase reflected in the fiscal year 2015-2016 budget; seconded by Mayor Pro Tem Moore; motion carried 7-0 & approved as presented.

Record vote by each City Council

District 1 Councilmember Linda Sellers	Aye
District 2 Councilmember Darryl Bowdre	Aye
District 3 Councilmember Ed Moore	Aye
District 4 Councilmember Don Warren	Aye
District 5 Councilmember Mark Whatley	Aye
District 6 Councilmember John Nix	Aye
Mayor Martin Heines	Aye

O-3 Request that the City Council consider adopting the property tax rate ordinance of \$0.220000 cents per \$100 valuation for Fiscal Year 2015-2016. (O-2015-93)

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Motion by Councilmember Bowdre to approve the property tax rate be increased by the adoption of a tax rate of \$0.22 cents per \$100 dollars of appraised value, which is effectively a 2.29 percent increase in the tax rate; seconded by Councilmember Warren; motion carried 7 - 0 & approved as presented.

Record vote by each City Council

District 1 Councilmember Linda Sellers	Aye
District 2 Councilmember Darryl Bowdre	Aye
District 3 Councilmember Ed Moore	Aye
District 4 Councilmember Don Warren	Aye
District 5 Councilmember Mark Whatley	Aye
District 6 Councilmember John Nix	Aye
Mayor Martin Heines	Aye

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to enter into an agreement with Alliance Transportation Group, Inc. to provide demographic and employment inputs for the travel demand model for the Tyler Area Metropolitan Planning Organization in the amount of \$120,000.

Motion by Councilmember Nix; seconded by Mayor Pro Tem 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 the City Council consider authorizing the City Manager to execute a renewal of the Commercial Airline Permit, Jet Bridge Operation, and Airport Common Use Area Maintenance Agreement between the City of Tyler and American Airlines, Inc.


C-A-2 Request the City Council consider ratifying submission of an application between the Transportation Security Administration (TSA) and the City of Tyler for the renewal of the CY 2016 - 2018 Law Enforcement Officer (LEO) Reimbursement Program total ceiling award of \$642,245.19 and authorizing the City Manager to execute the LEO Reimbursement Agreement once received.

C-A-3 Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Reid Construction decreasing the total contract amount by \$172,033.11 for the Taxiway Kilo Erosion Control Improvements Project at Tyler Pounds Regional Airport.


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 **C-A-4** Request that the City Council consider authorizing the City Manager to execute the renewal of a Fixed Base Operator Lease at Tyler Pounds Regional Airport with JW Jetcorp, Ltd., dba Jet Center of Tyler, for the period October 1, 2015 through September 30, 2020.


 **C-A-5** Request that the City Council consider authorizing the City Manager to execute the renewal of a Fixed Base Operator Lease at Tyler Pounds Regional Airport with Johnson Aviation for the period October 1, 2015 through September 30, 2020.


 **C-A-6** Request the City Council consider authorizing the City Manager to execute a renewal of the Commercial Airline Lease, Jet Bridge Operation and Airport Common Use Area Maintenance Agreement between the City of Tyler and United Airlines, Inc.


C-A-7 Request that the City Council consider awarding the bids for the New Construction of three (3) single-family dwellings to Turcios Construction for 1519 N. Englewood; Anderco Group for 703 S. Confederate; Rider Homes for 724 S. Ross Avenue; and award the bid for the Demolition and Reconstruction of one (1) single-family dwelling to Roger's Construction for 416 N. Grand Avenue.


 **C-A-8** Request that the City Council consider authorizing the City Manager to extend the various annual price agreements to the vendors listed for office supplies, office furniture and equipment, copy paper, ductile iron pipe and water meter boxes and lids for one year beginning October 1, 2015.

 **C-A-9** Request that the City Council consider authorizing the City Manager to award the various annual price agreements to the vendors listed for ductile iron fittings and uniform/floor mat rental for the Fiscal Year beginning October 1, 2015.

 **C-A-10** Request that the City Council consider awarding annual price agreements for the purchase of various water and wastewater treatment chemicals to the listed vendors for the fiscal year October 1, 2015 through September 30, 2016.

 **C-A-11** 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 2015-2016.

 **C-A-12** Request that the City Council consider authorizing the City Manager to approve an agreement with First Choice Cooperative and The Cooperative Purchasing Network (TCPN) whereby the City of Tyler can take full advantage of purchasing any and all items available through the cooperatives.

 **C-A-13** Request that the City Council consider awarding bid number 15-050 to Ellis Timber Company for the sale of timber at a City-owned tract located in Abstracts

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A-1075, A-422, A-186, A-988 and A-870 also known as Forest Stewardship tracts six and eight.



C-A-14 Request that the City Council consider awarding bid number 15-051 to Ellis Timber Company for the sale of timber at a City-owned tract located in Abstracts A-475 and A-422 also known as Forest Stewardship tract nine.



C-A-15 Request that the City Council consider authorizing the City Manager to award an annual contract to Aqua Metric Sales Company for the purchase of water meters, transceiver units, and register units during Fiscal Year 2015-2016.



C-A-16 Request that the City Council consider authorizing the City Manager to execute Amendment No. 1 of Work Order # 2, in the amount of \$35,000, to Elledge Engineering Corporation for construction administration services during construction of the Southpoint Road Drainage Improvements project.



C-A-17 Request that the City Council consider authorizing the City Manager to award a construction contract to Crown Civil Construction in the amount of \$139,845 for the Southpoint Road Drainage Improvements project.



C-A-18 Request that the City Council consider awarding bid number 15-049 to Morris Timber Holdings, Inc. for the sale of timber at a City-owned tract located in Abstracts A-707 and A-548 also known as Lake Tyler Dam tract.

C-A-19 Request that the City Council consider ratifying the Settlement of *Yaneth Fuentes, et al. v. Matthew Riggle* lawsuit.

C-A-20 Request that the City Council consider authorizing the City Manager to sign an amended Chapter 380 Business Incentive Agreement with Bio Medical Applications of Texas, Inc., a Wholly Owned Subsidiary of Fresenius Medical Care Holdings, Inc.



C-A-21 Request that the City Council consider authorizing the release and termination of certain utility easements previously reserved by a 1972 Quitclaim Deed on specified property on Front Street; and that the City Council also accept new water and sewer easements from the landowner on said property over existing City utility lines.

C-A-22 Request that the City Council consider renewing the Property and Casualty, Special Event Insurance and Third Party Claim Administration contracts for the City of Tyler for Fiscal Year 2015-2016 as the second of two (2) one-year renewal options authorized September 25, 2013.

C-A-23 Request that the City Council consider renewing the Excess Workers Compensation and Third Party Claim Administration contracts for the City of

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Tyler for Fiscal Year 2015-2016 as the second of two (2) one-year renewal options authorized September 25, 2013.

C-A-24 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, 2015.

C-A-25 Request that the City Council consider authorizing the City Manager to execute a new Fixed Base Operator Lease at Tyler Pounds Regional Airport with Term Properties, Inc., for the period October 1, 2015 through September 30, 2035.

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

CITY MANAGER'S REPORT

1. Parks Dept. received a grant from Texas Parks and Wildlife to build a fishing pier at Faulkner Park
2. Finalist of Texas Downtown Association President Award
3. Heather Nick & Kyle Kingma received election of positions in their Planning Association
4. Mrs. Abbott, Governors wife, in Tyler today for the 8th Annual Hispanic Business Achievers Award luncheon.
5. CIP report handed out.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:45 am

Executive Item No. 1:

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. 2:

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.

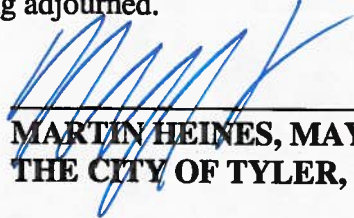
Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 10:20 am with no action taken.

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ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 10:20 am; seconded by Councilmember Nix; motion carried 7 - 0 & meeting adjourned.



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

