

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 13, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 13, 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:	Edward Moore
Councilmembers:	Mark Whatley Linda Sellers Darryl Bowdre John Nix (absent) Don Warren
City Manager:	Edward Broussard
Asst. City Manager:	Susan Guthrie
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Managing Director for Administration:	ReNissa Wade
Neighborhood Services Manager:	Brenda Johnson
Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
City Fire Chief:	Tim Johnson
Code Enforcement Manager:	Chris Lennon
Managing Director for Public Safety & Police Chief:	Gary Swindle
Director of Parks and Recreation:	Stephanie Rollings
Director of Solid Waste:	Russ Jackson
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 Whatley to approve the December 9, 2015 minutes; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 New Hires Recognitions

The following employees were hired by the City of Tyler during the month of December 2015. We would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Stephanie	Brown	Accountant	Finance
Marina	Dickson	PS Telecommunicator II	Police
Antonio	Rigle	PS Telecommunicator II	Police
Alicia	Ethridge	PS Telecommunicator II	Police
Jose	Gonzalez	Truck Drive	Streets/Stormwater
Jeff	Kirt	Crew Leader	Streets/Stormwater
Johnny	King	Plant Laborer Westside	Water
Cory	Russell	Plant Laborer Southside	Water

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the City Manager to execute a Memorandum of Understanding Agreement with the University of Texas at Tyler (UT Tyler) and The Arrington Corporation (TAC) regarding the exploration, construction, and operation of a facility to provide a biomass gasification electrical generation facility to potentially supply UT Tyler and the City of Tyler electrical energy needs and to serve as a working laboratory for existing and future academic research programs on the City's Landfill property. (R-2016-1)

Russ Jackson and Tom Arrington – Stated that the City owns the property between the old landfill and the current landfill on the Old Kilgore Highway, Tyler, Texas. UT Tyler and TAC are doing a needs assessment looking into the feasibility of putting in a biomass waste burn facility that will have the capability to produce electricity and will also allow UT Tyler to develop its chemical engineering program. This Agreement will help identify the capability and feasibility of a burn facility. The findings will be brought back to the City Council after the study has been completed to consider any land use agreements and operations. The City agrees to provide property at the Landfill as a possible site for a biomass gasification electrical generation facility if the project is feasible.

Councilmember Warren – Asked if the creation of this alternate energy is cost comparative to oil and gas, and would it cost more to produce or make it?

Tom Arrington – Stated that the prices [for electricity] are depressed right now and it would be very difficult to compete today with the [oil and gas] prices. The price of oil and gas goes up and down and right now in today's environment it would be difficult to compete. Mr. Arrington stated we still have lots of waste in our country and something needs to be done with it. He added that the country is overflowing with municipal solid waste, so this would be a fabulous feed stock.

Councilmember Bowdre – Asked if [this type of project] has worked in other places?

Tom Arrington - Stated that there is a lot of research and development going on, with bits and pieces of the area of research being conducted across the country. He stated that what they are trying to do is put together an integrated commercial size facility that incorporates all these things with academia, because it has a research and development component.

Mayor Pro Tem Moore – Asked about the potential for pollution to the air and the environment, and also inquired how many jobs would be produced in the East Texas area at the completion of the project?

Tom Arrington – Stated those two issues will be a part of the study. They will look at all the environmental issues, air pollution, and water pollution in terms of the pollution regulations. In regards to jobs they are expecting anywhere from 15 to 20 permanent jobs.

Councilmember Whatley – What makes Tyler so unique for this project?

Tom Arrington - Stated two things: 1) University of Texas at Tyler and the Arrington Corporation are here and they each have a desire to do this project, and 2) the City has a landfill that is about the right size for generating 10 megawatts of power.

Councilmember Whatley –Asked where would the \$35 to \$40 million dollars of funding come from?

Tom Arrington – Stated that it would come either from the private capital market or the government. Mr. Arrington stated that they would first look at government funding but would also look for private capital investment.

Councilmember Sellers – Asked if Mr. Arrington believes he will have enough property to build and work the project at the selected landfill location?

Tom Arrington – Stated that there is enough property, but that they could come back and ask for more should they need 20 to 30 more acres. He stated that it would all depend on the study to find out what they would need.

Motion by Councilmember Whatley to enter into the memorandum of understanding; seconded by Mayor Pro Tem Moore; motion carried 6 - 0 & approved as presented.

ORDINANCE

O-1 Request that the City Council consider adopting an ordinance amending City Code Chapter 1 by amending Section 1-4 to update the maximum fine for the illegal dumping of refuse from two thousand dollars (\$2,000.00) to four thousand dollars (\$4,000.00), as reflected in state law, updating certain section numbers and correcting wording. (O-2016-1)

Motion by Councilmember Warren; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented.

O-2 Request that the City Council consider adopting an ordinance amending City Code Chapter 14, Sec. 14-2, appointing the Animal Services Manager as the Local Rabies Control Authority. (O-2016-2)

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

MISCELLANEOUS

M-1 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the quarter ending September 30, 2015.

Motion by Councilmember Bowdre; seconded by Councilmember Sellers; motion carried 6 - 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 enter into a contract with Cleanmaster Janitorial Services, Inc. for the provision of janitorial services in the new South Police Department at annual cost of \$28,800.00.
- C-A-2** Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Gentry Pizza, LLC dba Little Caesars Pizza for the purpose of installing and maintaining a grease trap in the City of Tyler right-of-way.
- C-A-3** Request that the City Council consider ratifying staff action for payment in the amount of \$116,342.70 to A.E. Shull & Company for emergency repairs to the 42-inch sanitary sewer main located along Blackfork Creek, near County Road 427, outside the city limits of Tyler.
- C-A-4** Request that the City Council consider receiving a patronage dividend refund check in the amount of \$45,384.92 from First Choice Cooperative and a rebate check in the amount of \$332.67 from BuyBoard Cooperative Purchasing.
- C-A-5** Request that the City Council consider approving a subdivision of a 10.546 acre tract on Lake Tyler East.
- C-A-6** Request that the City Council consider authorizing the City Manager to execute a professional services agreement with NewGen Strategies & Solutions not to exceed the amount of \$42,500 for the 2016 Water and Sanitary Sewer Rate Study.
- C-A-7** Request that the City Council consider authorizing the City Manager to approve purchase of twenty-seven (27) X26P Tasers with twenty-seven (27) holsters, and forty-two (42) TPPM Battery Pack Extenders with eighteen (18) DPM Batteries from sole source vendor, Taser International, for \$26,206.00 by utilizing grant funds from the Justice Assistance Grant (JAG) program.

Motion by Councilmember Bowdre; seconded by Councilmember Warren; motion carried 6 - 0 & approved as presented.

BOARD APPOINTMENTS

B-1 Request that City Council consider making appointments to the Civil Service Commission, Keep Tyler Beautiful Board and the Disability Issues Review Board.

Motion by Councilmember Whatley; seconded by Councilmember Bowdre to appoint Paul White to the Civil Service Commission; motion carried 6 - 0 & approved as presented.

Motion by Councilmember Bowdre to appoint Tomi Ellis as Chair for the Civil Service Commission Board; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

Motion by Councilmember Bowdre to appoint Daniel Gomez to the Keep Tyler Beautiful Board; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

Motion by Councilmember Bowdre to appoint Gary L Smith to the Disability Issues Review Board; seconded by Councilmember Sellers; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Summary of Parks & Recreation Activity Guide events;
2. Recap of continuing Neighborhood Services demolition and rehabilitation projects;
3. Pet Animal Food Bank donation & give away project is continuing to be a big success;
4. Parks Department and Tree Committee has put together a business beautification grant program that targets the amount of trees along Highway 69 corridor project; the project will kick off at the January 23rd event; and
5. CIP report handed out.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:02 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 section 551.071 "Litigation" deliberation regarding the following:

1. Pending or contemplated litigation involving the EPA.
2. Pending or contemplated litigation involving Ashmore Estates.

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

City Council reconvened from executive session at 11:40 am with no action taken.

ADJOURNMENT

Motion by Councilmember Whatley to adjourn the meeting at 11:40 am; seconded by Councilmember Bowdre; motion carried 6 - 0 & meeting adjourned.

Martin Heines
MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

