

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 9, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 9, 2008 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Joey Seeber
Mayor Pro Tem: Chris Simons
Council Members: Nathaniel Moran
Donald Sanders
Ralph Caraway
Steve Smith (absent)
Charles Alworth

City Manager: Bob Turner
City Manager Designate: Mark McDaniel
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
Assistant City Attorney: Karen Stead
Business Service Manager: ReNissa Wade
Development Services Engineer: Michael Wilson
Director of Neighborhood Services: Brenda Johnson
Chief Financial Officer: Daniel Crawford
City Police Chief: Gary Swindle
Director of Parks and Recreation: John Webb
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.
Mayor Seeber recognized Mr. William Harris as the new President at Texas College.

AWARDS

A-1 Retirees

Willie J. Rollins

March 21, 1986 to March 31, 2008

Willie J. Rollins went to work for the City of Tyler on March 21, 1986 as a Truck Driver in the Water Utilities Department. He was promoted to Crew Leader on September 27, 1993. On March 21, 1999 his title was changed to Equipment Operator. We are pleased to present Willie with a Certificate of Retirement for his many years of service with the City of Tyler.

Connie J. Castle

October 1, 1984 to March 31, 2008

Connie J. Castle went to work for the City of Tyler on October 1, 1984 as a Police Officer in the Police Department. On November 22, 2002 she was promoted to Police Sergeant. We are pleased to present Connie with a Certificate of Retirement for her many years of service with the City of Tyler.

April 9, 2008

Ben E. Dews

November 19, 1987 to March 31, 2008

Ben E. Dews went to work for the City of Tyler on November 19, 1987 as a Code Enforcement Officer in the Community Services Department. On October 24, 1997 he was promoted to Rehab Projects Specialist. He was promoted to Rehabilitation Supervisor on October 4, 1999. On September 9, 2002 he was promoted to Code Enforcement /Housing Inspector. We are pleased to present Ben with a Certificate of Retirement for his many years of service with the City of Tyler.

Mark R. Ritchey

April 1, 1975 to March 31, 2008

Mark R. Ritchey went to work for the City of Tyler on April 1, 1975 in the Fire Department as a Fireman. He was promoted to Driver in 1979. In 1997, he was promoted to Fire Mechanic. We are pleased to present Mark with a Certificate of Retirement for his many years of service with the City of Tyler.

George L. Green

Sept. 6, 1983 – Dec. 8, 2000 and Sept. 29, 2005 - March 31, 2008

George L. Green went to work for the City of Tyler September 6, 1983 in the Water Distribution Department as a Utilities Construction Foreman. On March 24, 1995 he was promoted to Assistant Water System Superintendent. On December 8, 2000 he briefly left the City’s employment and was rehired on September 29, 2005 in Water Distribution Department as a Water Systems Construction Supervisor. We are pleased to present George with a Certificate of Retirement for his many years of service with the City of Tyler.

These employees represent over 117 years of service with the City of Tyler.

A-2 New Employees

The following employees were hired by the City of Tyler during the month of March 2008.

We would like to take this opportunity to welcome these new employees.

Alan Heredia	Code Enforcement Officer I	Neighborhood Services
Anthony Filippini	Senior Planner	Planning and Zoning
Robert Narvaez	Planner	Planning and Zoning
Donna Rutledge	Data Management Specialist I	Police
Erin Walker	PS Telecommunicator I	Police
Melvin Crockett	Residential Equipment Operator	Solid Waste
Esperanza Ordorica	Administrative Assistant	Transit
Nancy Reynolds	GIS/Addressing Technician	Water

A-3 Request that the City Council consider recognizing the staff of the Solid Waste department and the Keep Tyler Beautiful Board as the First Place Winner of the 2008 Governor’s Community Achievement Award.

Mayor Seeber presented the KTBB with a plaque recognizing Keep Texas Beautiful as the First Place Winner of the 2008 Governor’s Community Achievement Award

April 9, 2008

(GCAA) for outstanding community improvement. The honor recognizes Tyler with one of the most celebrated annual environmental and community improvement awards in Texas. Tyler will receive \$130,000 prize from the Texas Department of Transportation (TxDOT) for a landscaping project along a Tyler state right-of-way.

ORDINANCE

O-1 Request that the City Council consider adopting an ordinance amending City Code Chapter 3 relating to the classified Fire Civil Service positions for Fiscal Year 2007-2008. *(Ord. No. 0-2008-46)*

Mayor Pro Tem Simons made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

O-2 Request that the City Council consider adopting an ordinance establishing temporary construction speed limit of 30 m.p.h. on a stretch of roadway on Old Omen Road from University Boulevard (Spur 248) south to Old Bascom Road, during construction of the City project. *(Ord. No. 0-2008-47)*



Councilman Moran made the motion; seconded by Councilman Sanders; motion carried 6-0; approved as presented.

MISCELLANEOUS

M-1 Request that the City Council consider ratifying the payment of \$135,000.00 to the Smith County Clerk, for the Writ of Possession for the Chapel Wood Development, Limited property associated with the Old Omen Road project. ©



Councilman Moran made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

M-2 Request that the City Council consider ratifying the payment of \$150,473.00 to the Smith County Clerk, for the Writ of Possession for the TFW Golf Holdings, LLC property associated with the Old Omen Road project. ©



Councilman Alworth made the motion; seconded by Councilman Moran; motion carried 6-0; approved as presented.

M-3 Request that the City Council consider ratifying staff action for payment to Boren – Scott Title Company in the amount of \$9,387.00 for acquisition of right-of-way for Grande Boulevard Phase 2. ©



Councilman Alworth made the motion; seconded by Mayor Pro Tem Simons; motion carried 6-0; approved as presented.

April 9, 2008

M-4



Request that the City Council consider ratifying staff action for payment to Flowers Davis IOLTA Account in the amount of \$61,000.00 plus closing costs for payment of settlement of right-of-way for Grande Boulevard Phase 2.

Councilman Caraway made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

M-5

Request that the City Council consider authorizing the City Manager to award the construction contract for the Front Street Sidewalk Improvements, from Shady Lane to Fenton Avenue, to the low bidder, Simon Traylor and Sons, Incorporated, in the amount of \$251,585.78. ©

Councilman Sanders made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

M-6

Request that the City Council consider authorizing the City Manager to award Work Order No. 3 (2008 Runway Visibility Zone (RVZ) Clearing Project at Tyler Pounds Regional Airport) to the engineering firm of Wisenbaker, Fix and Associates in an amount not to exceed \$53,500.00 and recommend that the Half Cent Sales Tax Board authorize the 5 percent local share in the amount of \$2,675.00. ©

Councilman Alworth made the motion; seconded by Councilman Moran; motion carried 6-0; approved as presented.

M-7

Request that the City Council consider authorizing the City Manager to issue Final Acceptance for and execute the Reconciliation Change Order reducing the total contract amount by \$19,521.01 for the 2007 Runway 13 Runway Safety Area (RSA) Project at Tyler Pounds Regional Airport. ©

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 6-0; approved as presented.

M-8

Request that the City Council consider renewal of taxi service permits for the Red Cab Company, Tyler Taxi Incorporated, and Yellow Cab Company. ©

Councilman Caraway made the motion; seconded by Councilman Sanders; motion carried 6-0; approved as presented.

M-9



Request that the City Council consider authorizing the City Manager to approve a contract with Tyler Roofing Company, to repair the roof of the rear building at 3305 Frankston Highway, for \$14,546.00. ©

Councilman Sanders made the motion; seconded by Councilman Caraway; motion carried 6-0; approved as presented.

April 9, 2008

M-10



Request that the City Council consider authorizing the City Manager to accept donations for the Chamblee Rose Garden at the LeGrand Gardens, appropriate the funds and execute a contract as presented with MHS Planning and Design, LLC, of Tyler, for design services for the Chamblee Rose Garden at the LeGrand Gardens for the City of Tyler. **(April 18th is groundbreaking)**

Councilman Moran made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

(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).

CONSENT AGENDA

- C-A-1** Request that the City Council consider authorizing the City Manager to pursue and accept grant funding through the Bulletproof Vest Partnership Grant Act for body armor purchased by the City for the Tyler Police Department.
- C-A-2** Request that the City Council consider authorizing the purchase of 4 Scott Self-Contained Breathing Apparatus (SCBA) with Integrated Pass and Quick Disconnect Regulator; 8 Scott 4.5 30-Minute Carbon Cylinders and 4 Scott Face Pieces from the sole source MES, in the total amount of \$20,540.00.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase a wood chipper from Vermeer Equipment of Texas, Incorporated, in the amount of \$23,990.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase one Ford F-450 Utility Bed and Hoist Truck for a total purchase price of \$44,316.00.

Mayor Pro Tem Simons made the motion to approve the entire consent agenda; seconded by Councilman Sanders; motion carried 6-0; approved as presented.

CITY MANAGER'S REPORT

- 1. 4-18-08 at noon, Goodman/LeGrande Chamblee Rose Garden Ground Breaking**
- 2. 4/23/08 Salute to Mayor Appreciation event**
- 3. 4/26/08 Sat. Hazardous waste collection at HCC**

RECESS FOR EXECUTIVE SESSION - City council convened into executive session at 9:46 a.m.

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

April 9, 2008

-under section 551.071 "Litigation" deliberation regarding the following:

pending or contemplated litigation involving Cascades and/or Western Rim developments

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

City council reconvened from executive session at 10:02 a.m. with no final action taken.

ADJOURNMENT

Councilman Alworth made the motion to adjourn the meeting at 10:02 a.m.; seconded by Councilman Caraway; motion carried 6-0; meeting adjourned.

**BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:

CASSANDRA BRAGER, CITY CLERK