

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 14, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 14, 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
Charles Alworth

City Manager: Bob Turner
City Manager Designate: Mark McDaniel
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
Assistant City Attorney: Deborah Pullam
Assistant City Attorney: Karen Stead
Airport Manager: Davis Dickson
Budget/Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
City Engineer: Carter Delleney
City Fire Chief: Neal Franklin
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Parks and Recreation: John Webb
Director of Solid Waste: Dan Brotton
Internal Auditor: Keidric Trimble
Director of Utilities & Public Works: Greg Morgan
Street Operations Manager: Robin Smart
Traffic Engineer: Kirk Houser
Tyler Transit: Gary Rushing
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

Councilman Alworth made the motion to approve the minutes for the February 6, 2008, February 13, 2008, February 27, 2008 and March 5, 2008 City Council meetings; seconded by Councilman Caraway; motion carried 7-0; approved as presented.

AWARDS

A-1

25 years

Robin L. Smart

April 5, 1983 to April 5, 2008

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Robin L. Smart went to work for the City of Tyler on April 5, 1983 as a Part-time Laborer in the Street Department. He was promoted to Semi-Skilled Laborer on June 27, 1983 and to Lead man on January 13, 1986. On October 10, 1986 his title changed to Crew Leader II and on May 13, 1996 he was promoted to Foreman II. He was promoted to Street Operations Manager on September 11, 2006, the position he now holds. We are pleased to present Robin with a 25 year service pin for his many years of service with the City of Tyler.

20 years

Randy L. Hubbard

April 20, 1988 to April 20, 2008

Randy L. Hubbard went to work for the City of Tyler on April 20, 1988 as a Laborer in the Sanitation Department. On July 23, 1989 he was promoted to Refuse Equipment Operator II. He was promoted to Commercial Equipment Operator on May 13, 1990, the position he now holds. We are pleased to present Randy with a 20 year service pin for his many years of service with the City of Tyler.

These employees represent over 45 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 April 2008.

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

James Flowers	Building Inspector	Development Services
Rhonda McLarty	Deputy Court Clerk	Municipal Court
Patricia Heaton	Museum Curator	Parks
Jason Compton	PS Telecommunicator I	Police
Tracy McCoy	Police Recruit	Police
Sean Ratliff	Police Recruit	Police
Shannon Rogers	Police Recruit	Police
David Sarnacki	Police Recruit	Police
Rebekah Newman	Parking Patrol	Traffic
James Seaton	Traffic Signal Technician	Traffic
Thomas Higginbotham	Industrial Pretreatment Inspector	Water

A-3 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for May 2008, for placing the highest premium on responsiveness to customer needs. (Fire for Education – Jeff Aiken)

Mayor Seeber presented Jeff Aiken with the Blueprint Blue Ribbon Award winner for May 2008, for placing the highest premium on responsiveness to customer needs.

A-4 Request that the City Council consider recognizing students receiving certificates for completion in the East Texas Area Leadership Council government program.

Mayor Seeber stated that the East Texas Area Leadership Council was established to improve communications between Tyler citizens and City government, promote

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understanding in all segments of the community, and engage in community problem solving to help make Tyler a better community for everyone.

This is the third class to participate in the program and is the first class made up entirely of students. The Student Government Association of the University of Texas at Tyler has spent the past eight months becoming familiar with the various City Departments and how municipal government works in Tyler.

The students formed four work groups and each group presented a project paper which will be evaluated for possible implementation. One project will be selected and submitted to the Budget Committee for review and funding in the Fiscal Year 2008-2009 Budget.

Mayor Seeber presented certificates to students that completed the East Texas Area Leadership Council government program.

RESOLUTIONS

- R-1 Request that the City Council consider approving a resolution providing for the approval of the Agreement between the State of Texas and the City of Tyler, for the installation, construction, existence, use, operation and maintenance of continuous highway illumination on Loop 323 between Bellwood Road and Copeland Road within the City limits of the City of Tyler. (Res. R-2008-10)**

Councilman Sanders made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending the Tyler City Code to conform the definition of “junked vehicle” to recent changes in state law. (Ord. No. 0-2008-65)**

City Manager, Bob Turner — Stated that during the 2007 Legislative Session, state law at Texas Transportation Code Section 683.071, was amended to substitute the word “and” for “or” in Subsection (1)(A). This change results in the requirement that both an unexpired license plate and a valid motor vehicle inspection certificate must be absent from a vehicle before the vehicle may be designated as a “junked vehicle”.

Councilman Alworth made the motion; seconded by Councilman Caraway; motion carried 7-0; approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to execute an interlocal agreement by and between the City of Tyler and Smith County and**

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Reinvestment Zone No. 2 providing for the participation of Smith County in Reinvestment Zone No. 2. ©

City Manager Designate, Mark McDaniel – Stated that on April 28, 2008, the Smith County Commissioners Court demonstrated its support for the City’s effort to create a Downtown Increment Reinvestment Zone (TIRZ No. 2) by executing an interlocal agreement that provides for Smith County’s participation. The initial term of this agreement will be five years at a capture rate of 100 percent. Before this agreement is fully executed, the Reinvestment Zone Board must take action approving the agreement. The Smith County Commissioners Court has further appointed Commissioner JoAnn Hampton as its representative on the TIRZ No. 2 Board.

Mayor Pro Tem Simons made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

M-2 Request that the City Council consider authorizing the City Manager to execute Change Order No. 1, in the amount of \$456,953.40, to the Grande Phase 2B project for the construction of the Cumberland Road Improvements. ©

Director of Utilities & Public Works, Greg Morgan – Stated that on November 1, 2007 the City Council approved the Academy Development at the intersection of Cumberland Road and South Broadway. This approval included improvements to Cumberland Road in the amount of \$469,327.96 (not including traffic signal improvements or engineering) with the developer escrowing \$238,722.84 to cover their portion of the cost as required by the City of Tyler development ordinances.

Due to the necessity of the road improvements, combined with Cumberland Road being included on the current Half Cent Sales Tax annual work plan, the City elected to proceed with the re-construction. At this time the engineering plans are complete. After reviewing the plans and comparing the quantities to the unit prices established in the Grande Phase 2B contract, it became apparent that by change ordering the Cumberland Road improvements to Grande 2B they can be constructed for \$456,953.40, and expedited to be completed before additional traffic is generated by the development. At this time there is \$840,926.58 available in the Grande Phase 2B contingency for funding the City’s portion of the Cumberland Road improvements. In addition, this change order will increase the project time for Grande 2A and 2B by 30 days each.

Councilman Moran made the motion; seconded by Councilman Caraway; motion carried 7-0; approved as presented.

M-3 Request that the City Council consider authorizing the City Manager to approve a Change Order for the Golden Road Park Restroom Project in the amount of \$2,257. ©

Councilman Moran made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

- M-4 Request that the City Council consider approving a Professional Services Contract with Apex Geoscience, Incorporated in an amount not-to-exceed \$30,000.00 for the South Tyler Pedestrian and Bike Trail project. ©**

Councilman Alworth made the motion; seconded by Councilman Smith; motion carried 7-0; approved as presented.

- M-5 Request that the City Council consider authorizing the City Manager to accept a donation in the amount of \$5,000 from Trinity Mother Frances SportsCARE for sponsorship in the City of Tyler's 19th Annual Corporate Challenge.**

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0; approved as presented.

- M-6 Request that the City Council consider authorizing the City Manager to enter into a five (5) year lease/purchase contract with Baystone Financial Group and authorize the Fire Chief to order five (5) Fire Apparatus through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program in the amount of \$2,354,565.00. ©**

Councilman Alworth made the motion; seconded by Mayor Pro Tem Simons; motion carried 7-0; approved as presented.

- M-7 Request that the City Council consider authorizing the City Manager to purchase the former Liberty Theater, in Downtown Tyler, located at 103 and 105 E. Erwin. (After Executive session--Adopt ordinance amending budget and approve purchase for \$181,900 plus closing costs) (Ord. No. 0-2008-66) (200,000.00)**

Councilman Caraway made the motion; seconded by Mayor Pro Tem Simons; motion carried 7-0; 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 purchase one (1) Ford F-650 Cab and Chassis from the Houston-Galveston Area Council (HGAC) dealer Philpott Motor Company for \$43,930.00 and one Container Handler Body from the HGAC dealer B and C Body Company for \$22,502.48, for a total price of \$66,432.48.**

- C-A-2 Request that the City Council consider authorizing the City Manager to award a five-year lease agreement to Xerox for a WorkCentre 7655P copier with a total lease cost of \$19,002.60. ©**

- C-A-3** Request that the City Council consider ratifying payment in the amount of \$16,655.45 to Hall Volvo GMC, for Emergency Repairs to Fire Apparatus Engine No. 7.
- C-A-4** Request that the City Council consider authorizing the City Manager to enter into a contract with the low bidder Above Average Building Maintenance for providing janitorial services to City Hall, Tyler Development Center, Administrative Services, Neighborhood Services and Water Utilities in the amount of \$54,735.00. ©
- C-A-5** Request that the City Council consider authorizing the City Manager to accept a donation of \$4,000 from the Tyler Crime Stoppers, Incorporated to help send the Tyler Police Department Explorers to the National Law Enforcement Explorers' Competition.
- C-A-6** Request that the City Council consider authorizing the City Manager to purchase security cameras for the Glass Recreation Center located at 501 West 32nd Street and the Senior Citizens Center located at 1915 Garden Valley Road from East Texas Alarm of Tyler, Texas, in the amount of \$15,339.40
- C-A-7** Request that the City Council consider ratifying the acceptance of Texas Department of Transportation (TxDOT) Project Grant Agreement No. ED 0802 (10) in the amount of \$82,261.00 and any grant amendments to increase the grant amount for the purpose of providing public transportation for the City of Tyler. ©
- C-A-8** Request that the City Council consider awarding Bid No. 08-019 in the amount of \$581,640.00, to National Bus Sales, for four (4) Low Floor Transit Coaches with options including Bike Rack, Fare Box and Interior Ad Rack. *Approved 7:0 subject to verification of dealer by State agency or manufacturer that low bidder is authorized to do business in Texas and sell these buses*

Nick England, President of Lasseter Bus & Mobility - Stated that National Bus Sales bid is informal, non-responsive and bidder is unauthorized and not licensed to sell the buses to the City.

Tyler Transit, Gary Rushing – Stated that Tyler Transit received a letter from the Attorneys representing Lasseter Corporation and there were some comments in the letter that were followed up with a call to National Bus Sales. Tyler Transit believes that National Bus Sales meets the spec of the bid and recommends that City Council award the bid to National Bus Sales.

Councilman Moran made the motion to award the low bidder subject to verification from the manufacturer or Texas Department of Transportation that they are indeed an authorized dealer; seconded by Councilman Alworth; motion carried 7-0; approved with stipulation.

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- C-A-9 Request that the City Council consider approving of two professional services contracts with GIS consultants for GIS programming, analysis, production and database administration services. ©©**

CITY MANAGER'S REPORT

1. City Council comments for Mayor

Councilman Moran – Stated that the time that the Mayor gave up was worth it to the City and he saw it as a ship and Joey was the captain for 6 years and guided the Council in the right direction and selected the appropriate destinations. There have been some rough waters along the way and some danger in the sea but he guided Council safely to passage. It has come to a time where you have reached your port and you have the opportunity to engage in an additional journey.

Councilman Alworth – Stated that he would miss Joey because they are on the same page and have a lot in common.

Mayor Pro Tem Simons - Stated that he has had the great fortune to sit on Council for 4 years and work with Mayor Seeber and with the Mayor's great leadership over the years. He has tried to listen and learn because Joey has been a great inspiration to him.

Councilman Smith – Stated that he agrees and concurs with everything that has been said so far. Councilman Smith also stated that when he is involved with things and he is wrapping it up or starting something, he likes to think or ask if he is going to make a difference, or did I make a difference, and is the organization or event better off now than it was when I started? When you look at Joey as Mayor he obviously made a difference in the City of Tyler because of his years of service.

Councilman Sanders – Stated that it has been a pleasure working with you these last two years and Joey has been a beacon light for the City of Tyler and the Council. Councilman Sanders stated that he admired Joey for his wisdom and how he handles himself in crucial situations and how he shares himself with the citizens of Tyler.

Councilman Caraway – Stated that one of the things he admires about Joey is his magnetism and his ability to draw people in. Jesus ask the question about how do you be great and he said in order to be great you have to be a servant, and for the last 12 years Joey has been some kind of servant to this City and his family. He looked forward to a bright future and all the things that are ahead for the Mayor and he does not believe that we have heard or seen the last of Joey Seeber.

Mayor Seeber – Stated that there are no words to respond to that and he appreciates all the kind and heartfelt things that have been said. He wanted to thank so many and he would not name names because he would leave someone out, so thanks to everyone. The City Councils that Joey has had the opportunity to work with have all been unique in that the concern for each one was the concern for the whole City and the whole City benefits when that happens. Mayor Seeber thanked his family for their love and support and the citizens for allowing him to serve them.

2. New City Engineer Carter Delleney

3. ReNissa Wade has new position as Budget-Human Resources Director

4. Next Wed, 5/21/08 canvass votes at 9:00 a.m.

RECESS FOR EXECUTIVE SESSION - City council convened into executive session at 10:05 am

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

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

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

pending or contemplated litigation involving annexations by cities affecting the City of Tyler's Extraterritorial Jurisdiction

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

-under section 551.087 "Economic Development" deliberation regarding the following:

Possible offer of financial or other incentive to a business prospect and to consider financial information about that prospect with which the City is conducting economic development negotiations that could lead to a development in Tyler

- under Section 551.072 "Real Estate", deliberation regarding the following:

Discuss the purchase, exchange, 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 and encouragement of private investment

City council reconvened from executive session at 10:36 a.m. with no final action taken

ADJOURNMENT

Councilman Sanders made the motion to adjourn the meeting at 10:36 a.m.; seconded by Councilman Smith; motion carried 7-0; meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK