

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
August 13, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 13, 2008 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
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
Airport Manager:	Davis Dickson
Budget/Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Capital /City Projects Coordinator:	Bill Ward
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
Interim City Fire Chief:	David Schlottach
City Librarian:	Chris Albertson
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
Fleet Administrator:	Russ Jackson
Housing Service Manager:	Andy Davis
Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Mitch Marable
Manager/Water Utilities Business Office:	Joan Roberson
Director of Utilities & Public Works:	Greg Morgan
Traffic Engineer:	Kirk Houser
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; to approve the minutes for July 23, 2008; motion carried 7 - 0; approved as presented.

Bailey Bickerstaff, student Mayor for a Day

**AWARDS**

**A-1**

**Retiree**

**James R. Boyer**

**April 19, 1999 to July 31, 2008**

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James R. Boyer went to work for the City of Tyler on April 19, 1999 as a Groundskeeper for the Parks Maintenance Department. We are pleased to present James with a Certificate of Retirement for his years of service with the City of Tyler.

**A-2 New Hires**

The following employees were hired by the City of Tyler during the month of July 2008. We would like to take this opportunity to welcome these new employees.

Sally Ferrell  
Regena Frick

Data Management Specialist I  
Training Coordinator

Police  
Water

**PRESENTATIONS**

**P-1 Request that the City Council receive a presentation of the fiscal year 2008–2009 Proposed Budget, then consider voting to place the proposed property tax rate on the September 24, 2008 City Council Agenda as an action item and scheduling public hearings on the proposed budget and proposed property tax rate to occur during the August 27, 2008 and the September 10, 2008 City Council Meeting.**

**City Manager, Bob Turner** – Stated that it was recommended that City Council take a record vote on the proposed property tax rate of \$0.204 since it is above the \$0.192258 effective property tax rate. The proposed rate of \$.204 is half a penny greater than our current tax rate of \$.199. The City Council is also required to schedule two public hearings on the proposed property tax rate and the proposed budget. It is recommended that the first public hearing be scheduled for August 27, 2008 and the second public hearing be scheduled for September 10, 2008. Adoption of the property tax rate and final Fiscal Year 2008-2009 Budget is scheduled for September 24, 2008 with the new fiscal year commencing October 1, 2008.

**Larry Meckley, 401 Sutherland** – Stated that the budget looked good but wanted the City Council to make traffic their number one priority.

Motion by Mayor Pro Tem Alworth to place tax rate on 9/24/08 Council agenda; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Motion by Mayor Pro Tem Alworth to set dates for public hearings on budget; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

**P-2 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2007-2008 Budget document from the Government Finance Officers Association of the United States and Canada.**

Mayor Bass presented the “Distinguished Budget Award” for Fiscal Year 2007-2008 budget from the Government Finance Officers Association of the United States and Canada to Daniel Crawford, Rose Ellis, and ReNissa Wade.

**P-3 Request that the City Council receive a presentation on the Health Plan and the Texas Municipal Retirement System Benefits for fiscal year 2008-2009. Councilman Smith exit**

**Director of HR/Budget, ReNissa Wade** - Stated that it is the City of Tyler's desire to provide the best benefits to the City's employees, while balancing the cost and minimizing the financial impact on the City and most importantly the employees. The recommendation to City Council is to double annual out of network deductible, double out of network maximum out of pocket costs, 3% increase in premiums, increase in non generic RX co-pays, and develop a fourth Rx tier for Specialty Drugs.

## **RESOLUTION**

**R-1 Request that the City Council consider adopting a Resolution authorizing the City Manager to enter into a Participation Agreement with the Atmos Cities Steering Committee and to authorize payment of 5 cents per capita to fund regulatory and related activities to Atmos Energy Corporation. (R-2008-16)**

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 6 - 0 & approved as presented.

**R-2 Request that the City Council consider adopting a Resolution initiating annexation proceedings, authorizing a service plan, and setting the dates, times and places for public hearings on the proposed annexation of approximately 2.07 acres of land contained in the Thomas Price Survey, A-794, known as Tract 10A.2, located west on Old Jacksonville Highway approximately 420 feet southwest of the intersection of Three Lakes Parkway and Old Jacksonville Highway, contiguous to existing City limits on all boundaries, referred to as Nations MS LLC. (R-2008-17)**

**Director of Planning & Zoning, Barbara Holly** – Stated that in accordance with State law, it is also necessary to conduct two separate public hearings to consider the above referenced annexation. The attached Resolution will provide for the City Council to conduct the first public hearing at a regularly scheduled City Council meeting to be held on September 10, 2008, at 9:00 a.m. in the City Council Chambers. The City Council will then hold a second public hearing at a **special called** City Council meeting to be held on September 17, 2008, at 9:00 a.m. in the City Council Chambers. The Service Plan will be available for review in the Planning and Zoning Department prior to the first public hearing. Final consideration of the Annexation Ordinance for the Nations MS LLC would be considered by the City Council at its regularly scheduled City Council meeting on October 8, 2008.

Motion by Councilman Moran; seconded by Councilman Sanders; motion carried 6 - 0 & approved as presented.

## **MISCELLANEOUS**

**M-1 Request that the City Council consider ratifying staff action in the approval of Amendment No. 1 and authorize the City Manager to approve Amendment No. 2 to the Professional Services agreement with Adams Engineering for the design of New Sunnybrook, expanding the scope of services and increasing the fee by \$820,750.00 for a total contract amount of \$1,379,950.00. ©**

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Motion by Councilman Sanders; seconded by Councilman Simons; motion carried 6 - 0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to enter into a professional services agreement with Barham Architects, Limited Liability Corporation, of Tyler, Texas, for the oversight of park restroom installations in accordance with the Americans with Disabilities Act in the amount of \$44,500. ©**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

- M-3 Request City Council consider ratifying action of the City Manager executing Change Order No. 1, in the amount of \$54,905, to the Village at Cumberland Park, Phase 1 project for the construction of the Cumberland Road 12 inch waterline. ©**

Motion by Councilman Moran; seconded by Mayor Pro Tem Alworth; motion carried 6 - 0 & approved as presented.

- M-4 Request City Council consider authorizing the City Manager to execute amendment No. 1, in the amount of \$5,500.00, to the engineering services contract with Elledge Engineering for right-of-way surveying for the acquisition of easements necessary for a North Tyler Water and Sanitary Sewer Improvements project. ©**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; motion carried 6 - 0 & approved as presented.

- M-5 Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$260,879.51, to Heartbeat Construction, for the construction of drainage improvements to Blackfork Creek Tributary D1.1, Broadway Avenue to Queen Street. ©**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

- M-6 Request that the City Council authorize the City Manager to execute a new services agreement with Heart of Tyler, Incorporated. ©**

Motion by Councilman Sanders; seconded by Councilman Simons; 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).**

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- C-A-1** Request that the City Council consider authorizing the City Manager to accept a donation of recording equipment in the amount of \$4,048.66 from the Smith County District Attorney's Office.
- C-A-2** Request that the City Council consider authorizing the City Manager to award the wrecker service bid number 08-037 to Crow Towing Service, of Tyler, Texas. ©
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase one Chevy Colorado Crew Cab Compact Truck from the low bidder Caldwell Country Chevrolet, of Caldwell, Texas for the amount of \$17,987.00.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase one Ford Hybrid Escape from the low bidder Tyler Ford, of Tyler, Texas for the amount of \$24,993.99.
- C-A-5** Request City Council consider authorizing the City Manager to approve final acceptance of Contract No. TYL-258, "Westside Wastewater Treatment Plant Variable Frequency Drive Replacement".
- C-A-6** Request that the City Council consider authorizing the City Manager to purchase a Magnesium Hydroxide feed system in the amount of \$34,895.00 from Premier Chemicals, LLC for the Westside Wastewater Treatment Plant.
- C-A-7** Request City Council consider authorizing the City Manager to expense funds in the amount of \$32,753.50 for the emergency repair of Water Well No. 8, to Smith Pump Company.
- C-A-8** Request that the City Council consider authorizing the City Manager to award a five-year leasing contract to Xerox, for a WorkCentre 4150X multifunction copier for the City's Police Department in the amount of \$7,639.80. ©
- C-A-9** Request that the City Council consider authorizing the City Manager to execute a Preventative Maintenance Agreement and expenditure of \$55,698.00 to Siemens Energy and Automation, Inc. ©
- C-A-10** Request that the City Council consider ratifying staff action approving the engineering contracts for the Asbestos Abatement (ES08-297) and Demolition Consulting Services (ES08-309) to ERI Consulting, Inc. in the combined amount of \$16,000.00 for asbestos abatement and demolition of homes within the right-of-way of the Lake Placid Road project. ©
- C-A-11** Request that the City Council consider authorizing the City Manager to purchase replacement equipment for previous theft detection system at the Tyler Public Library from Alpha Data Corporation.
- C-A-12** Request that the City Council consider reviewing and accepting the Revenue, Expenditure and Investment Report for the quarter ending June 30, 2008.

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Motion by Councilman Caraway; seconded by Councilman Sanders; motion carried 6 - 0 & approved as presented.

## **APPOINTMENTS TO BOARDS**

### **B-1 Request that the City Council consider making appointments to the Neighborhood Revitalization Board.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders to reappoint Harvey Thompson and appoint Eugene White and John Barnett; motion carried 6 – 0 & approved as presented.

### **B-2 Request that the City Council consider Appointment of City of Tyler Representatives to the East Texas Council of Governments (ETCOG) Board of Directors.**

Motion by Councilman Moran; seconded by Councilman Sanders to appoint Councilman Caraway and Councilman Sanders; motion carried 6 – 0 & approved as presented.

### **B-3 Request that the City Council consider appointing a President to the Half Cent Sales Tax Board.**

Motion by Mayor Pro Tem Alworth; seconded by Councilman Caraway to appoint Councilman Smith; motion carried 6 - 0 & approved as presented.

## **CITY MANAGER’S REPORT**

1. Calendar Chamber of Commerce, Wednesday 8/27/08 at 11:30 at Ornelas
2. Sister Cities Japanese Reception at City Hall on 9/17/08
3. TML in San Antonio, 10/28-31/08

## **RECESS FOR EXECUTIVE SESSION City Council convened into Executive Session at 10:57 am.**

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

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:

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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 11:20 am with no action taken.**

**ADJOURNMENT**

Motion by Councilman Simons; seconded by Councilman Sanders; motion carried 6 - 0; meeting adjourned at 11:20 am.

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

**A T T E S T:**

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**CASSANDRA BRAGER, CITY CLERK**