

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
May 11, 2005**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 11, 2005 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Joey Seeber
Mayor Pro Tem: Joyce Armstrong Scurry
Council Members: Ron Shaffer
Derrick Choice
Steve Smith
Chris Simons
Charles Alworth

City Manager: Bob Turner
Deputy City Manager: Mark McDaniel
City Attorney: Gary Landers
Asst. City Attorney: Steve Kean
Airport Manager: Davis Dickson
Business Services Manager: Brenda Johnson
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Dan Peden
City Fire Chief: Neal Franklin
City Police Chief: Gary Swindle
Director of Parks and Recreation: John Webb
Director of Planning and Zoning: Stephanie Rollings
Director of Solid Waste: Dan Brotton
Manager of Water Quality and Production: Mitch Marable
Manager/Water Utilities Business Office: Joan Roberson
Operations Manager: Greg Morgan
Traffic Engineer: Kirk Houser
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Choice.

EMPLOYEE AWARDS – RECOGNITIONS

A-1 Employee Service Awards

30 years

Darrell W. Poole

April 16, 1975 to April 16, 2005

Darrell W. Poole went to work for the City of Tyler on April 16, 1975 as a Fireman in the Fire Department. He was promoted to Driver in 1979. In 1998, he was promoted to Fire Captain the position he now holds. We are pleased to present Darrell with a 30 year service pin for his many years of service with the City of Tyler.

Royce A. Daughtery

April 16, 1975 to April 16, 2005

Royce A. Daughtery went to work for the City of Tyler on April 16, 1975 as a Fireman in the Fire Department. He was promoted to Driver in 1977, Lieutenant in 1981 and in 1988 he was promoted to Captain, the position he now holds. We are pleased to present Royce with a 30 year service pin for his many years of service with the City of Tyler.

David O. Swain

April 16, 1975 to April 16, 2005

David O. Swain went to work for the City of Tyler on April 16, 1975 as a Police Officer in the Police Department, the position he now holds. We are pleased to present David with a 30 year service pin for his many years of service with the City of Tyler.

20 years

Craig W. Reiland

April 8, 1985 to April 8, 2005

Craig W. Reiland went to work for the City of Tyler on April 8, 1985 as a Horticulturalist in the Parks Department. On April 12, 1988 he was promoted to Grounds Maintenance Supervisor. His job was then reclassified to Parks Supervisor on March 10, 1992. On October 29, 2000 he was promoted to Acting Rose Garden Supervisor and on October 15, 2001 he was promoted to Rose Garden Supervisor, the position he now holds. We are pleased to present Craig with a 20 year service pin for his many years of service with the City of Tyler

Earl K. Brown

April 15, 1985 to April 15, 2005

Earl K. Brown went to work for the City of Tyler on April 15, 1985 as a Plant Operator in the Utilities – Waste Treatment Department. On February 25, 1986 he was promoted to Chief Treatment Plant Operator. He was promoted to Wastewater Treatment Supervisor on September 3, 2002, the position he now holds. We are pleased to present Earl with a 20 year service pin for his many years of service with the City of Tyler

These employees represent over 130 years of service with the City of Tyler.

A-2 The following employees were hired by the City of Tyler during the month of April. We would like to take this opportunity to welcome these new employees.

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Gleith Green
Peggysue King
Claudene Stainback
Angela Sutherland
Reginald Williams

Data Mgmt. Specialist
Airport Tech I
Clerk at Rose Garden
PS Telecommunicator II
Accountant

Police
Airport
Parks
Police
Accounting

ZONING ITEMS

Z-1 APPLICATION Z02-05-013 SMITH BAPTIST ASSOCIATION

Request that the City Council consider a request to adopt an Ordinance amending an approved site development plan on zoning case Z07-03-038 on Lot 1A of Block 899R, one (1) lot totaling 0.43± acres located at the southeast corner of the intersection of Old Jacksonville Highway and Silverwood Drive, fronting 123.18± feet along the east side of Old Jacksonville Highway and fronting 169.72± feet along the south side of Silverwood Drive, with a maximum depth of 169.72± feet (3226 Old Jacksonville Highway). The property is currently zoned “POD” Planned Office District. **(Ord. 0-2005-34)**

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

CITIZEN/STAFF/CONSULTANT PRESENTATIONS

P-1 Request that the City Council receive a presentation of Phase 3 of Business Plan 2005.

City Manager, Bob Turner – Gave a brief presentation of Phase 3 of Business Plan 2005.

Phase 3 Structure

Phase 3 of the Business Plan will be the assignment of a new team-based leadership structure for City operations. Eight Department Managers will be appointed to serve in their primary capacity as Department Managers, as well as Key Leaders over eight Business Units. These Key Leaders will have line authority over an assigned grouping of other existing Department Managers.

Department Managers and Key Leaders will have dual responsibility and accountability for completion of all Department operations including business plans, budgets, five-year plans, succession plans, and other operational issues. This is another goal which was presented to Council during the interview process two years ago during which an eight (8) point plan was presented for City growth and development.

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

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- P-2 Request that the City Council hear a presentation from the Solid Waste Department, and request that the City Council provide direction on curbtrash collection. (expand the pilot program City-wide with report on permanent changes due next winter)**

Director of Solid Waste, Dan Brotton – Stated that in December of 2004, the City Council heard a presentation from the Solid Waste Department outlining current issues in the Department. The presentation included a pilot program eliminating Wednesday curb trash collection on two routes beginning in January 2005. Residents on the pilot program do not receive less service, as crews collect curb trash with regular residential household waste on Monday/Thursday or Tuesday/Friday depending on location. The crew works four 9-hour days and one 4-hour day.

The pilot program increases safety, as the crew travels the streets one less time per week. The program also saves fuel, saves wear on the trucks, saves wear on the streets and allows more time for truck maintenance.

Councilman Alworth made the motion to expand the pilot program city wide and report back to City Council late winter or early spring; seconded by Councilman Smith; motion carried 7-0; approved as presented.

- P-3 Request that the City Council receive a presentation from Fire Chief Neal Franklin, and consider granting approval for the City Manager and Staff to begin implementation of the Tyler Fire Department Six Year Service Plan, in order for the Tyler Fire Department to meet the growing needs of the citizens of the City of Tyler.**

Fire Chief, Neal Franklin – Gave a brief presentation on the Tyler Fire Department Six Year Service Plan and stated that the Tyler Fire Department Six-Year Service Plan was developed to meet the current and anticipated growth of our City. The plan addresses fire stations, apparatus needs, and staffing levels. This plan is not designed to put the Fire Department ahead of the growth curve, just allow them to catch up to development that has already taken place (attachment).

Councilman Simons made the motion to authorize the implementation of the Tyler Fire Department Six Year Service Plan; seconded by Mayor Pro Tem Scurry; motion carried 7-0; approved as presented.

ADOPTION OF ORDINANCES

- O-1 Request that the City Council consider adopting an Ordinance amending City Code Chapter 3, Section 3-64 relating to “Assignment Pay” for physical fitness. (Ord. 0-2005-35)**

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

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- O-2 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, "Traffic", to adopt provisions for designation and use of Signed Bicycle Routes and Exclusive Bicycle Lanes within the City Of Tyler city limits; establishing a severability clause; declaring a penalty; and establishing an effective date. (Ord. 0-2005-36)**

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

ADOPTION OF RESOLUTIONS

- R-1 Request that the City Council consider adopting a Resolution designating the City Manager, along with the Chief Financial Officer and two Accountants as designated officials with authority to initiate various electronic transactions using Bank of America services. (Res. No. R-2005-14)**

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

- R-2 Request that the City Council consider adopting a Resolution amending the authorized representatives with TexPool. (Res. No. R-2005-15)**

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

MISCELLANEOUS ITEMS

- M-1 Request that the City Council consider the Revenue, Expenditure and Investment Report for the quarter ending March 31, 2005.**

Daniel Crawford, Chief Financial Officer – Gave a brief presentation on the Revenue, Expenditure and Investment Report for the quarter ending March 31, 2005. Daniel Crawford also mentioned that the General Fund revenues are forecasted to be at least \$542,168.00 more than budgeted for fiscal year 2004-2005 and expenditures are estimated to be \$98,308.00 less than budgeted based upon information available at the end of the first quarter.

While still very early to determine any trend since the majority of water sales are in the last six months of the fiscal year, Utilities Fund revenues are conservatively forecasted to be \$626,054.00 less than budgeted for fiscal year 2004-2005 due to anticipated wet weather and corresponding lower water sales. Accordingly, expenditures are estimated at \$586,410.00 less than budgeted due to lower costs to produce less water and treat less wastewater

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

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M-2 Request that the City Council consider receiving a rebate check, in the amount of \$52,346.58, from Johnson Controls, Inc., in association with the Drive-by Radio Read Meter and Phase 2 Electrical Consumption Reduction Program.

Councilman Simons made the motion to accept the check; seconded by Mayor Pro Tem Scurry; motion carried 7-0; approved as presented.

M-3 Request that the City Council consider authorizing the City Manager to execute a professional service letter agreement, in the amount of \$17,500.00, with R.W. Beck to develop a valuation of the Tall Timbers Utility Company customer base and service area located within the city limits of Tyler. ©

Greg Morgan, Operations Manager — Stated that in 2000, the City of Tyler annexed 690 acres known as the South Broadway/FM 2813 Annexation. This annexation is in the sanitary sewer service area of Tall Timbers Utility Company, now known as Algonquin Water Services (Algonquin). By law, Tyler Water Utilities is prohibited from providing sanitary sewer service to this area. During the annexation process, Tyler Water Utilities negotiated, unsuccessfully, to purchase the Algonquin system.

Since the annexation, Tyler Water Utilities has been involved in a contested rate case with Algonquin, which to date has resulted in a \$9.48 per month reduction (from \$38.00 per month down to \$28.52 per month) in the rate Tyler citizens are paying Algonquin for service. However, this is still \$10.38 per month more than the maximum rate paid to Tyler Water Utilities by the remaining citizens of Tyler for the same service. The contested rate case is scheduled for consideration on the June 29 Texas Commission on Environmental Quality agenda, at which time a further reduction of \$0.77 per month to the Algonquin rate will be considered.

Based on recent conversations with the management of Algonquin, they are currently receptive to reopening discussions regarding the sale of their service area, within the city limits. Presented herewith is a proposal letter, in the amount of \$17,500.00, from R.W. Beck, the Tyler Water Utilities rate consultant who has assisted in the contested rate case, for consulting services necessary to develop a defensible valuation of the Algonquin system. This valuation would be the basis for any purchase negotiations authorized by the City Council.

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

CONSENT AGENDA

(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).

May 11, 2005

A. BID FOR MATERIALS, SUPPLIES, EQUIPMENT, AND SERVICES

- C-A-1** Request that the City Council consider awarding bid #05-019 in the amount of \$32,823.81, to King Chevrolet of Tyler, Texas, for one new 22,000 GVWR Cab & Chassis.
- C-A-2** Request that the City Council consider authorizing a purchase in the amount of \$16,117.16 from Motion Industries, Inc., of Tyler, Texas for three Aerator Gear Reducers for use at the Southside Wastewater Treatment Plant.
- C-A-3** Request that the City Council consider authorizing the City Manager to award a five-year leasing contract to Xerox, for one Work Center Pro 35 for the Building Inspection Department.
- C-A-4** Request that the City Council consider authorizing the City Manager to award a bid in the amount of \$12,375.00 to Phoenix Distributors for the purchase of twelve Colt semi-automatic patrol rifles for issuance to patrol officers for enhanced response to critical incidents.
- C-A-5** Request that the City Council authorize the City Manager to execute the renewal for an Off-Site Car Rental Permit for Southwest-Tex Leasing Co., Inc. d/b/a Advantage Rent-A-Car, at Tyler Pounds Regional Airport.

Councilman Shaffer made the motion to approve the entire consent agenda; seconded by Councilman Choice; motion carried 7-0; approved as presented.

CITY MANAGER'S REPORT

1. Hire new Dept Leader Brenda Johnson as Neighborhood Services Director,
2. Brenda will present a Housing and demolition update at next meeting.
3. Special meeting on 5/17/05 for new CC Member Moran
4. ETALC first year end, 5/19/05 at 11:30 begin 2nd year w/Hispanic group in CC Chambers
5. Wednesday, 5/25/05 – Mayor's State of the City address to Chamber of Commerce
6. Simons – need status update on Police Department parking lot
7. Thanks to Ron Shaffer for 6 years of service and his comments

RECESS FOR EXECUTIVE SESSION

ADJOURNMENT - Councilman Simons made the motion to adjourn the meeting at 10:35 a.m.; seconded by Councilman Alworth; motion carried 7-0; meeting adjourned.

May 11, 2005

**_____
JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:

**_____
CASSANDRA BRAGER, CITY CLERK**