

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
AUGUST 9, 2006**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 9, 2006 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Joey Seeber
Mayor Pro Tem:	Steve Smith
Council Members:	Nathaniel Moran
	Donald Sanders
	Derrick Choice
	Chris Simons
	Charles Alworth
City Manager:	Bob Turner
Deputy City Manager:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Business Service Manager:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Director of Neighborhood Services:	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
Communications/Media Services Coordinator:	Laura Krantz
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
Municipal Court Administrator:	Cam McCabe
Operations Manager:	Greg Morgan
Traffic Engineer:	Kirk Houser
Tyler Transit:	Norman Schneck
Support Services Tech:	Jami Rogers

INVOCATION

The Invocation was given by Councilmember Choice.

Mayor for the day – Zack Sawyer, **All Saints School**.

Councilman Simons made the motion to approve the minutes for the February 22, 2006, March 8, 2006, March 22, 2006 and the April 12, 2006 City Council meetings; seconded by Mayor Pro Tem Smith; motion carried 7-0; approved as presented.

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EMPLOYEE AWARDS – RECOGNITIONS

A-1 Employee Service Awards

Retirees

Irene M. Berrier

June 16, 1983 to June 30, 2006

Irene M. Berrier went to work for the City of Tyler on June 16, 1983 as a Clerk in Vehicle Services Department. She was promoted to Secretary in 1987 and to Senior Secretary in 2001. We are pleased to present Irene with a Certificate of Retirement for her years of service with the City of Tyler.

R. Paul Good

June 1, 1978 to July 2, 2006

R. Paul Good went to work for the City of Tyler on June 1, 1978 as a Fireman in the Fire Department. We are pleased to present Paul with a Certificate of Retirement for his years of service with the City of Tyler.

These employees represent over 51 years of service with the City of Tyler.

A-2 The following employees were hired by the City of Tyler during the month of July 2006.

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

Ryan Peden	Laborer	Waste Treatment
Marvin Evans	Code Services Officer	Streets
Pamela Stewart	Airport Technician I	Airport
Tony Boyett	Laborer	Parks
William Owen	Grounds Technician	Parks
Kevin Kennedy	Laborer	Streets
James Davis	Equipment Mechanic I	Vehicle Services
William Steinmiller	Police Recruit	Police
Chad Homer	Police Recruit	Police
Letitia Powell	Police Recruit	Police
Dustin Hollingsworth	Police Recruit	Police
Thomas Guerrero	Police Recruit	Police
Lewis Hollar	Equipment Operator II	Streets

A-3 Request that the City Council recognize City Employees Sergeant John Brown, and Officers Johnny Green and Diana Massey for their accomplishments at the Texas Police Games.

A-4 Request that the City Council recognize Police Department Explorers Olimpia Morales-Rosales, Abdias Rosales, Iris Godina, Jonathan Rosales, Chance McAdams, Jonathan Daile, Jaqueline Carranza, Robert “Austin” Jones for their accomplishments at the National Law Enforcement Explorer Conference.

PRESENTATION

- P-1 **Request that the City Council receive a presentation of the fiscal year 2006–2007 Proposed Budget, then consider voting to place the proposed property tax rate on the September 13, 2006 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 23, 2006 City Council Meeting.**

City Manager, Bob Turner – Stated that although all general obligation bonds do not completely mature until 2010, early payoff of debt is programmed for the following fiscal year (fiscal year 2007–2008). To ensure adequate reserves, working capital or fund balances for major operating funds have been set at 15 percent (or 54 days) of programmed expenditures.

With regard to other rate adjustments, a 7 percent increase in utility rates is recommended in order to fund a multi-year capital improvement plan for water and sewer improvements, as well as a hydrilla management plan on Lake Tyler and Lake Tyler East. Other minor rate adjustments are recommended in the area of Development Services, Parks and Recreation, Library, and Municipal Court.

Other expenditures programmed support on-going operations and some organizational realignments without staffing additions for respective areas. An emphasis on environmental services and code enforcement will be promoted by a new centralized Environmental Services Department, with general oversight of this department provided by Key Leader Dan Brotton. In addition, three smaller support service departments (Accounting, Staff Services and City Clerk – all on the first floor of City Hall) will be collapsed into one Administrative Services Department, to be led by the City’s Chief Financial Officer, Daniel Crawford. Finally, the Street Department will become part of the City’s Engineering Department. While these two departments are already part of the same service grouping, two separate departments are not necessary, particularly since the focus of the Engineering Department has become public works projects only.

The new Environmental Services Department will provide an enhanced level of effort to address most major nuisance and zoning code violations. The new planner will bolster the ability of Planning and Zoning to meet demands brought on by increased development activity, while the new GAP team will provide temporary clerical services to various departments using seasoned and trained full-time staff.

Mark McDaniel, Deputy City Manager - Stated that the combined maintenance and operations plus debt service property tax rate proposed for fiscal year 2006–2007 is the effective rate of \$.223657 cents per \$100 of assessed property tax value. This new effective rate represents a 1.5 cent decrease in the overall property tax rate for the City of Tyler.

Expenditures proposed for fiscal year 2006–2007 include a total of 14 new positions, 10 of which are new Fire department staff for a new station and emergency operations. The other four positions are a planner for Planning and Zoning, an IT specialist for Computer Services,

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and two clerical positions that will comprise a new in-house temporary staffing team (General Assistance Program (GAP)) as researched and recommended by a team from class number one of the Tyler Apprentice Program (TAP). A four percent salary increase is recommended for civil service employees, while civilians would be eligible for a four percent increase depending upon performance. Benefit adjustments include a new 2:1 sick leave buy back program and a holiday (Good Friday).

Another initiative that is recommended is a new Partners for Youth program to proactively address juvenile delinquency using several community agencies. This program, administered through the Municipal Court, will include partnerships with several community agencies to address various juvenile delinquency needs on a proactive basis.

Finally, many capital expenditures are programmed for general, utility or solid waste improvements. Among these include major outlay for an adaptive control signal system for the South Broadway corridor, year two of the Tyler 21 project, City Hall renovations, fire apparatus, street improvements, technology upgrades, park enhancements, vehicle/truck replacement and plant improvements.

Larry Meckley – Stated that he was very pleased with the budget, but was not pleased with the Hilton hotel on South Broadway. Mr. Meckley stated that he opposed the \$400,000.00 funding for the Tyler 21 Comprehensive Plan because it is not being followed by the Council.

Mayor Seeber – Stated that the Tyler 21 Plan is not complete and it has just begun. There was a retreat held and from that retreat and the comments received we have a common vision that will be adopted today, so to say that a particular zoning item on the agenda doesn't follow the Tyler 21 Plan is impossible. The Tyler 21 Plan is not anywhere near complete and to say because the Council, on any agenda item, doesn't vote a way that some people would want us to vote, that we did not listen or did not hear is unbelievable.

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

P-2 Request that the City Council receive an update regarding the implementation of the City's new Development Services Department.

Michael Wilson, Development Services Engineer – Gave a brief update on the implementation of the City's new Development Services Department. Michael gave the Ten Point Plan:

1. New Development Services Department, Comprised of two divisions
2. Greater Use of Technology in Building Inspections
3. Consolidated Plan Review & Permitting
4. New technical Support
5. Engineering review with a development focus
6. Stronger Planning & Zoning department support
7. Structural Modifications to TDC

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8. Standardized checklists and documents
9. Regular customer feedback
10. Greater opportunity for review & approval

Greg Morgan, Operations Manager – Stated that over the last 10 months the department has been able to streamline the review process and benchmarked the time frame for conducting the reviews of permit applications. The Development Services is proposing to operate as a Money Back Guarantee department.

P-3 Request that the City Council receive a presentation of a Tyler 21 early action items related to the South Broadway corridor and recommended by the Transportation Planning and Congestion Mitigation Working Group to install intelligent traffic system adaptive controls.

Mark McDaniel, Deputy City Manager – Introduced Tricia Hatley, Engineer Freese and Nichols.

- Tricia Hatley– Gave a brief update on the Tyler 21 project. Ms. Hatley stated that the Overall Goals are to:
 - Address reliance on S. Broadway for n-s travel
 - Look at multimodal options to address current and future needs
 - Improve short term situation while making long range plans
- Challenges
 - Short term goals vs. long range planning
 - Details vs. big picture
 - City & TxDOT partnership
 - Local as well as regional
- Identify opportunity for immediate improvements to S. Broadway corridor congestion. Ms. Hatley also stated that an Adaptive Control Signal System would be installed and what that means is that the Traffic control systems will operate in real time, adjusting signal timing to accommodate changing traffic patterns
- Uses sensors to interpret characteristics of traffic approaching a traffic signal, and using mathematical and predictive algorithms, adapts the signal timings accordingly, optimizing their performance.
- They adapt to real time traffic conditions and require less maintenance than optimized signal timing plans.
- Phase 1 of implementation:
 - Broadway at
 - Amherst
 - Loop 323
 - Independence
 - Shiloh
 - Rieck
 - Donnybrook
 - Grande
 - Robert E. Lee
 - Southtown
 - Heritage

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- Cumberland
- Loop 323 at
 - Old Bullard
 - Donnybrook
 - New Copeland
- Old Bullard at
 - Rice
 - Rieck
 - Amherst

Schedule for implementation:

August – September 2006 – Design will start
October – January 2007 – Construction will start
February – April 2007 – Training and testing

Phasing Improvements

- Implement lead-lag-permissive-protected left turn phasing using “Dallas” display
 - Donnybrook Ave
 - Grande
 - Independence
 - Robert E. Lee
 - Southtown
- Benefits:
 - Capacity for left turns could be increased by at least 2 vehicles per cycle.
 - Off peak hours could see left turn delays cut from 50-60 seconds per vehicle to less than 10 seconds.
 - Main benefit is to progression on the main street where the progression bands could be 15-25 seconds larger in each direction resulting in fewer stops and less delay for the through traffic.

Broadway Corridor Geometric Intersection Modifications

- South S. Broadway Intersections
 - Loop 323
 - Independence
 - Shiloh/Rice
 - Rieck
 - Donnybrook
 - Southtown
- Old Bullard Intersections
 - Loop 323
 - Shiloh/Rice
 - Rieck

RESOLUTIONS

Mayor left

R-1 Request that the City Council consider ratifying the submission of an application for Federal Aviation Administration (FAA) Grant Funds in the amount of \$3,629,573.00 for the purpose of acquiring Two Passenger Boarding Bridges, Construction of Airport Perimeter Road (Phase 2) with Construction Administrative Services, Rehabilitation of

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Aircraft Aprons, and Runway Pavement and Safety Study. It is also requested that the City Council adopt a Resolution accepting FAA Grant Number 3-48-0215-020-06 totaling \$3,249,573.00, with a FAA commitment for additional funds of \$380,000.00 from Fiscal Year 2007 for a total of \$3,629,573.00, accepting any grant amendments increasing the grant funding levels, and authorizing the City's match payment not to exceed \$87,879 for the proposed grant projects. (R-2006-17)

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

R-2 Request that the City Council consider adopting a Resolution agreeing to provide defense and indemnity to a certain City employee who is a defendant in a lawsuit brought against him in his capacity as a City employee. (R-2006-18)

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

ORDINANCES

Mayor return

O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 10 to adopt regulations related to driveway permits for access to state highways within the City of Tyler. (O-2006-70)

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

O-2 Request that the City Council consider adopting an ordinance authorizing the Tyler Police Department to adopt a city-wide policy for towing vehicles when the operator has no proof of financial responsibility, and establishing related fees. ("Show it or tow it") (O-2006-71)

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

MISCELLANEOUS

M-1 Request that the City Council consider adopting the recommended Tyler 21 Vision and Principals.

Tyler 21: A Vision for the Next Generation

In 2030, the City of Tyler will be nationally known for its commitment to community, a robust business environment, and the beauty of its public places. Building on its historic heritage and enduring identity as a city of trees, roses, and azaleas, Tyler will welcome growth with a thoughtful approach that reflects the beauty of the East Texas landscape and creates a sense of place and community in every part of the city. Through excellence in city design, Tyler's

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public spaces, from humble sidewalks to entrance corridors, plazas and parks, will provide comfort, safety, utility and delight to all who use them. In this way, Tyler will enhance and extend into the future the precious legacy bestowed by previous generations — Tyler’s Rose Garden, its tree-lined brick streets, and its historic districts.

Tyler will combine faith-based and small-town values with safe, interconnected neighborhoods; a superb transportation system; a flourishing economy; and, a vibrant downtown. With an efficient, forward-thinking, and fiscally-responsible city government and strong public-private and regional partnerships, Tyler will set the highest standards for an outstanding quality of life.

Guiding Principles for Achieving the Tyler 21 Next Generation Vision

Connect people to one another and in community:

- Preserve and protect Tyler’s values of friendliness, family, faith and community connections, which will be the foundation for the success of Tyler 21.

Promote balanced growth:

- Promote growth and redevelopment in downtown and in every sector of the city.
 - Revitalize North Tyler.
- Enhance links to 1-20 and Loop 49.

Provide neighborhoods that are attractive centers of community:

- Provide appealing, safe, affordable and stable places to live for people with a wide range of incomes.
- Provide a variety of housing types for families, singles, older persons and other kinds of households.
- Enhance and create neighborhoods containing walkable centers with a mix of housing and shopping to serve residents.

Protect and enhance open spaces, parks and trees in a connected network for recreation and a healthy environment

- Create a network of greenways, parks and open spaces linking city and county destinations, such as the lakes and the state park.
 - Encourage development of new neighborhood parks.
- Encourage the planting of trees along streets and in public and private places.

Provide transportation options:

- Provide continuous bicycle and pedestrian routes and trails that connect city destinations.
- Adopt land use strategies that create higher-density, mixed-use clusters of “transit-ready” development that can support expansion of the public transportation system.
- Preserve potential new transportation corridors and work with regional partners to support efficient transportation throughout East Texas.

Reinvigorate the city center to be the downtown of East Texas:

- Develop a major downtown neighborhood of new and rehabilitated housing to provide the foundation for shopping, restaurants, culture, arts and entertainment in the evenings and on the weekend.
- Create a concentration of cultural and entertainment venues downtown.
- Program events throughout the year to attract visitors from around the region.

Preserve, enhance and communicate Tyler’s historic heritage:

- ‘ Conserve unique character through preservation of historic buildings throughout the city.
- Ensure that new development, while expressing its own time, is respectful of historic character.

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- Create heritage trails and historic markers to identify diverse aspects of Tyler's history, such as African-American heritage, the rose industry, the oil and gas industry, and the railroad industry.

Cultivate an environment friendly to business and Tyler's medical and educational institutions:

- Sustain policies that allow businesses to flourish.
- Continue to foster the city's role as the retail hub of a broad region.
- Maintain support for the medical centers, colleges and the university.

Maintain excellent municipal facilities and services:

- Continue city government's focus on meeting the highest standards of responsiveness, service and efficiency.
- Provide excellent value for taxpayer dollars.

Maintain and enhance our strong community and regional partnerships:

- Building on a tradition of philanthropy and public-private partnerships, bring together the public, private, and nonprofit sectors to realize the Tyler 21 Next Generation vision.
- Expand participation throughout the Tyler community.
- Continue to reach out and enhance partnerships with school districts, neighboring cities, and county government.

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as amended.

- M-2 Request that the City Council award Bid No. 06-019 to Longview Bridge & Road, Ltd. totaling \$2,418,101.25, and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$24,384.00 and authorize the City Manager to execute Airport Project Funding Participation Agreements with Jet Center of Tyler and Term Properties (Tyler Turbine).©©©©**

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

- M-3 Request that the City Council authorize the City Manager to execute and the Half Cent Sales Tax Board to fund Work Order #10 for engineering services with Wisenbaker, Fix and Associates for construction administrative services for Phase II airport perimeter road and the 2005 aircraft apron rehabilitation projects, in an amount not to exceed \$205,700.00. ©**

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

- M-4 Request that the City Council consider approving a request from Greenwood Farms Landfill to charge a \$25 surcharge on uncovered loads arriving at the landfill.**

Councilman Simons 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).

- C-A-1 Request that the City Council authorize the payment to Boren – Scott Title Company in the amount of \$32,212.88 for acquisition of right-of-way for Grande Boulevard Phase 2.**
- C-A-2 Request that the City Council consider awarding bid number 06-035 to the low bidder, Lone Star Parks of Austin, Texas, in the amount of \$73,575.00 to provide labor, equipment, and materials to install and finish Phase II of improvements at the Noble E. Young Skate Park.**
- C-A-3 Request that the City Council consider authorizing the City Manager to purchase twenty new traffic signal controllers from Hi-Tech Signals, Inc. for the South Broadway subsystem in the amount of \$50,700.00.**
- C-A-4 Request that the City Council consider authorizing the City Manager to renew an agreement with the United States Department of Justice, Drug Enforcement Administration to provide for the Tyler Police Department’s continued participation in the East Texas Drug Task force. ©**
- C-A-5 Request that the City Council consider authorizing the City Manager to approve a request from Pioneer Properties, LLC for a Public Right-of-Way Easement for the purpose of PVC conduits, telephone and data cable under Kinsey Drive to serve buildings on the east and west side of the street.**
- C-A-6 Request that the City Council consider authorizing the City Manager to execute a contract with Apex Geoscience for access clearing, geotechnical testing and geotechnical investigation for New Sunnybrook Drive in the amount of \$28,450. ©**
- C-A-7 Request that the City Council consider authorizing the City Manager to purchase one Ford E-350 Van from the low bidder Tyler Ford, of Tyler, Texas in the amount of \$19,996.49.**
- C-A-8 Request that the City Council consider authorizing the City Manager to purchase one Ford F-350 Crew Cab Flat Bed Truck from the low bidder Kilgore Ford, of Kilgore, Texas in the amount of \$24,213.06.**

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

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CITY MANAGER'S REPORT

1. *New fire truck delivered and parked out front.*
2. *Dedication of dolphin fountain 8/11/06 at 10:00 a.m.*
3. *Pools still open w/fees and hours.*
4. *Budget public hearing next meeting then vote on September 13.*

RECESS FOR EXECUTIVE SESSION - City Council convened into executive session at 11:30 a.m.

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

-under section 551.074 "Personnel matters" deliberation regarding the following:

Consider the evaluation and compensation of the City Manager

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

ADJOURNMENT

Councilman Moran made the motion to adjourn the meeting at 11:42 a.m.; seconded by Councilman Alworth; motion carried 7-0; meeting adjourned.

**JOSEPH O. SEEGER, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:

CASSANDRA BRAGER, CITY CLERK