

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
JUNE 14, 2006**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 14, 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 (absent)
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
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
Operations Manager: Greg Morgan
Traffic Engineer: Kirk Houser
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Smith.

Comment [j1]: James Balerd Mayor of City of Lindale

Councilman Alworth made the motion to approve the minutes for the February 8, 2006 and the February 14, 2006 City Council meetings; seconded by Mayor Pro Tem Smith; motion carried 6-0; approved as presented.

Mayor Seeber announced the new Mayor of Lindale, Mr. James Balerd.

EMPLOYEE AWARDS – RECOGNITIONS

A-1 Employee Service Awards

Retiree

Royce A. Daugherty

April 16, 1975 to May 14, 2006

Royce A. Daugherty 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

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promoted to Captain. We are pleased to present Royce with a Certificate of Retirement for his years of service with the City of Tyler.

This employee represents over 31 years of service with the City of Tyler.

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

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

Julius Hightower	Truck Driver	Street
Gracie Vargas	Permit Clerk	Building Inspections
Kathy Breedlove	PS Telecommunicator II	Police
Louie Barron	Semi-skilled Laborer	Street
Floyd Hill	Meter Repairer	Water Distribution
Jubal Silvey	Truck Driver	Water Distribution
Glen Ellis	Truck Driver	Water Distribution
Craig Dansby	Laborer	Parks
Chase Jordan	Advanced IT Specialist I	Information Technology
Brian Phillips	Firefighter Recruit	Fire
William Alexander	Residential Equipment Operator	Solid Waste
Robin Beaver	Inventory Technician	Vehicle Services

PRESENTATIONS

P-1 Request that the City Council consider a presentation of Certificates of Appreciation by Fire Chief Neal Franklin to two City of Tyler Solid Waste Employees for their heroic actions at a recent building fire.

Mayor Seeber, - Presented Certificates of Appreciation to Robert Dominguez and Jimmy White, City of Tyler employees for their quick action and rescue efforts during a recent building fire.

P-2 Request that the City Council receive a final update by the LPA Group relating to the Airport Master Plan for Tyler Pounds Regional Airport and consider authorizing Staff to present the Plan to Federal Aviation Administration (FAA) for approval.

Phil Jufko, The LPA Group, Inc. – Presented City Council with a final update relating to the Airport Master Plan for Tyler Pounds Regional Airport.

Mayor Seeber – Stated that the Master Street Plan is needed to receive funds from the FAA. Each project will need to be approved by both the City and FAA in order to move forward.

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

PUBLIC HEARINGS

H-1 Request that the City Council hold a public hearing to consider approving an ordinance denying Atmos Energy Corporation, Mid-Tex Division's statement of intent to increase the gas utility rates. (Ord. No. 0-2006-53)

City Attorney, Gary Landers – Stated that Atmos Gas on May 31, 2006, filed a Statement of Intent with Texas cities to increase their rates effective July 5, 2006. Normally when a gas company has filed a request to raise rates in the past, the City would suspend the effective date to allow combined cities to take 90 days to study a rate filing and exercise original jurisdiction. However, this filing by Atmos is different in that it is in direct response to the City Council's recent exercise of its original jurisdiction to set lower rates as a result of the study authorized last year by the City Council in connection with other cities. By an agreement between the Atmos Cities Steering Committee and the Company, all 88 cities that passed show cause resolutions last fall are deemed to have reduced rates and eliminated GRIP surcharges effective May 31, 2006. Based upon this recent review of the rates and decision that they should be lower, it is not necessary for the City Council to simply suspend this proposed increase in order to study it further. Atmos' rate filing is primarily a defensive effort to support their appeal of rate reduction ordinances passed by several cities and a necessary step in the company's plan to appeal any denial of this increase to the Railroad Commission while also asking that system-wide rates be implemented in any final Railroad Commission order.

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

H-2 Request that the City Council hold a public hearing and consider approving an Ordinance denying the 2005 Gas Reliability Infrastructure Program surcharge. (Ord. No. 0-2006-54)

City Attorney, Gary Landers – Stated that Atmos Mid-Tex filed its third surcharge request under the Gas Reliability Infrastructure Program ("GRIP") statute with Texas cities on March 31, 2006, seeking to add additional surcharges on top of the 2003 and 2004 GRIP surcharges already approved by the Railroad Commission. On April 12, 2006, the City Council passed Resolution R-06-10 which suspended the requested effective date of May 31, 2006. It is recommended that the City Council consider the GRIP request by Atmos, allow input by anyone present, and then unless there is something new presented, deny the request by adopting the attached ordinance.

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

ADOPTION OF ORDINANCES

O-1 Request that the City Council consider approving a proposed gas franchise ordinance with Centerpoint-Reliant-Entex on the third and final reading. (Ord. No. 0-2006-55)

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Councilman Alworth made the motion to approve the franchise for a five year term with only those changes needed to make the document accurate and current and to comply with the provisions of the settlement agreement; seconded by Councilman Simons; motion carried 6-0; approved as presented.

MISCELLANEOUS ITEMS

M-1 Request that the City Council consider authorizing the City Manager to execute a new ten year lease for the first floor of the North Side Terminal Building to the Historic Aviation Memorial Museum. ©

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

M-2 Request that the City Council consider authorizing the City Manager to enter into an Inter-local Agreement with Smith County to jointly fund the addition of a radio tower located in the northwestern portion of the City of Tyler. *(Remove from Agenda)*

M-3 Request that the City Council consider approving the appointment of Dr. David Lakey, M.D., as the Health Authority for the Northeast Texas Public Health District, for a two-year term effective June 1, 2006.

Councilman Moran made the motion; seconded by Mayor Pro Tem Smith; motion carried 6-0; 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 consider authorizing payment to Atmos Energy for engineering and design services associated with the relocation of a 20 inch gas pipeline for the Grande Boulevard Phase 2 project in the amount of \$125,000.00.

C-A-2 Request that the City Council consider authorizing the City Manager to execute an agreement and issue payment in the amount of \$652,014.00 to Mustang Engineering, L.P. retained by Sunoco Logistics Pipeline Company for the utility relocation of a petroleum pipeline associated with the Grande Boulevard Phase 2 project.

C-A-3 Request that the City Council authorize the City Manager to purchase three lots from Starr Capital Investments in the amount of \$69,300 as part of the right-of-way acquisition for Lake Placid Road.

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- C-A-4** Request that the City Council consider authorizing the City Manager to purchase new traffic signal communications hardware from Raptor Controls, Incorporated for the South Broadway subsystem in the amount of \$38,416.00.
- C-A-5** Request that the City Council authorize the City Manager to purchase two new roll-off Solid Waste trucks from Dallas Mack Sales and B&C Body, both of Dallas, Texas through the H-GAC and Buyboard purchasing cooperative in the amount of \$223,360, and authorize the trade-in of units number 675 and number 676 in the amount of \$140,000, bringing the total purchase of the two units to \$83,360.00.
- C-A-6** Request that the City Council consider ratifying a contract with Glasscock Enterprises, of Lindale, Texas in an amount not to exceed \$20,000 for minor clean-up and grading work at the old landfill for final closure inspection.

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

APPOINTMENTS TO BOARDS

- B-1** Request that the City Council consider making appointments to the Traffic Safety Board and the Parks Board.

TRAFFIC SAFETY BOARD

Councilman Simons made the motion; seconded by Councilman Moran; motion carried 6-0 to appoint the following board member to the Traffic Safety Board:

George Willingham

PARKS BOARD

Councilman Alworth made the motion; seconded by Mayor Pro Tem Smith; motion carried 6-0 to appoint the following board member to the Parks Board:

Billy Cain

CITY MANAGER'S REPORT

- 1. Engineering Department plan Neighborhood meeting on 6/26**
- 2. Tyler 21 Open House meetings June 19 and June 20**
- 3. Solid Waste info on paint disposal**
- 4. Cassandra has birthday today**

Mayor thank you for Tyler 21 last Saturday.

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RECESS FOR EXECUTIVE SESSION

No Executive Session Planned

ADJOURNMENT

Councilman Simons made the motion to adjourn the meeting at 9:41 a.m.; seconded by Councilman Moran; motion carried 6-0; meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK