

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
February 14, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, February 14, 2007 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
Assistant City Attorney: Deborah Pullum
Airport Manager: Davis Dickson
Business Service Manager: ReNissa Wade
Development Services Engineer: Michael Wilson
Capital /City Projects Coordinator: Bill Ward
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
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: Barbara Holly
Director of Solid Waste: Dan Brotton
Manager of Water Quality and Production: Mitch Marable
Municipal Court Administrator: Cam McCabe
Operations Manager: Greg Morgan
Traffic Engineer: Kirk Houser
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Smith.

Councilman Alworth made the motion to approve the minutes for the November 21, 2006, December 13, 2006, January 10, 2007 and January 24, 2007 City Council meetings; seconded by Mayor Pro Tem Smith; motion carried 6-0; approved as presented.

February 14, 2007

AWARDS

A-1 Retirees

Robert G. Algood

June 6, 1977 to December 22, 2006

Robert G. Algood went to work for the City of Tyler on June 6, 1977 as a Fire Fighter in the Fire Department. On December 16, 1984 he was promoted to Driver. He was promoted to Captain on December 13, 1998. We are pleased to present Robert with a Certificate of Retirement for his many years of service with the City of Tyler.

Marcus L. Turner

April 26, 1993 to December 31, 2006

Marcus L. Turner went to work for the City of Tyler on April 26, 1993 as a Building Inspector in the Building Inspection Department. On May 23, 1995 his title changed to Electrical Inspector. His title was changed again on September 23, 1997 to Chief Electrical Inspector. We are pleased to present Marcus with a Certificate of Retirement for his many years of service with the City of Tyler.

Jerry Dan Peden

November 17, 2003 to December 31, 2006

Jerry Dan Peden went to work for the City of Tyler on November 17, 2003 as the City Engineer in the Engineering Department. We are pleased to present Dan with a Certificate of Retirement for his years of service with the City of Tyler.

25 years

Joe Lister

January 12, 1982 to January 12, 2007

Joe Lister went to work for the City of Tyler on January 12, 1982 as a Laborer in the Solid Waste Department, the position he now holds. We are pleased to present Joe with a 25 year service pin for his many years of service with the City of Tyler.

20 years

Charlene A. "Cam" McCabe

January 19, 1987 to January 19, 2007

Cam McCabe went to work for the City of Tyler on January 19, 1987 as a Clerk in the Police Department. On September 13, 1988 she was promoted to Computer Specialist. She was promoted to Clerical Supervisor on September 25, 1989. On April 27, 1992 she was promoted to Municipal Court Administrator, the position she now holds. We are pleased to present Cam with a 20 year service pin for her many years of service with the City of Tyler.

These employees represent over 91 years of service with the City of Tyler.

A-2 The following employees were hired by the City of Tyler during the month of January 2007.

February 14, 2007

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

Karon Schaub	Data Management Specialist I	Police
Matthew Ford	Fire Recruit	Fire
Jeremy Driver	Fire Recruit	Fire
Cody Fisher	Fire Recruit	Fire
Amber Fontana	PS Telecommunicator II	Police
Justin Smith	Associate Traffic Engineer	Traffic Engineering
Kari Trexler	Senior Secretary	Vehicle Services
Judson Moore	Police Recruit	Police

RESOLUTIONS

R-1 Request that the City Council consider approving the request by the Texas Department of Transportation (TxDOT) to adopt a resolution expressing support for TxDOT's improvement of traffic operations and safety along State Highway 110, Shiloh Road and Rhones Quarter Road (FM 2954), and expressing support for funding and maintenance by the City of Tyler. **(Res. No. R-2007-6)**

Councilman Moran – Stated that he wanted the citizens in his area to know that there is no easy solution to this problem but this is an intersection that creates a lot of problems in a lot of different ways. This is just a study to see if the City can determine the best solution and there may not be a definite answer.

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

R-2 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located within the City of Tyler's city limits and owned by taxing entities including the City of Tyler. ***Withdrawn***

ORDINANCES

O-1 Request that the City Council consider adopting an ordinance outlining the civil service classification plan and number of authorized civil service positions within the Police and Fire Departments for Fiscal Year 2006-2007 as required by Chapter 143 of the Texas Local Government Code. **(Ord. No. 0-2007-13)**

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

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to accept a donation in the amount of \$5,000.00 from Trinity Mother Frances SportsCARE for sponsorship in the City's 18th Annual Corporate Challenge.

February 14, 2007

Thomas Gros, Trinity Mother Frances presented the City with a check for \$5,000.00 dollars.

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

- M-2 Request that the City Council consider awarding a contract to Durable Specialties, Incorporated, for the installation of an Adaptive Control Signal System in an amount not to exceed \$357,900.00. ©**

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

- M-3 Request that the City Council consider approving the purchase of an Adaptive Control Signal System Control software known as TACTICS from Siemens ITS in the amount of \$150,600.00.**

Kirk Houser, Traffic Engineer – Stated that the citizens of Tyler should not anticipate any kind of construction delays and that the project should be finished within 4 months.

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

- M-4 Request the City Council consider awarding Contract Number TYL – 250, in the amount of \$339,525.00 to Diamond Enterprises, Incorporated, Gloster, MS for the cleaning and painting of the GE (Trane American Standard) and Copeland Road Elevated Storage Tanks. ©**

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

- M-5 Request that the City Council consider authorizing the City Manager to sign an Easement and Right-of-Way Agreement with TXU Electric Delivery granting, selling and conveying an easement and right-of-way for overhead and/or underground electric supply and communications facilities at Tyler Pounds Regional Airport. ©**

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

- M-6 Request that the City Council consider authorizing the City Manager to execute a New Fixed Base Operator (FBO) Lease of Airport Lease Tract 7 at Tyler Pounds Regional Airport with JW Jet Corp, LTD dba Jet Center of Tyler and allowing Jet Center a variance to construct a hangar less than 10,000 square feet as allowed in the lease. ©**

Clint Abbott, 4500 Gretna Green Lane – Stated that he was against issuing the new lease to Jet Center for the partial land and the reason is because it is not in the best interest of Tyler.

February 14, 2007

For the last 21 years the existing plat that Jet Center leases has not been fully developed and it is his belief that when people come in and get a lease out at the airport that they should be required to fully develop the leases before they are even considered to be allowed to get additional land leases. Mr. Abbott stated that he was not against a developer owning this land. He would love to see the land taken over by a new independent person that would enter into fuel sales and create some additional competition on the airport.

Councilman Alworth – Stated that if he could be assured that within a short period of time the other 5,000 square feet would be added then he might not be opposed.

Davis Dickson, Airport Manager – Stated that this track of land was originally owned by Oxford Aviation but after 9-11 they moved their operation out of the state. The land was transferred over to Wilrob Properties, Incorporated. Wilrob was not able to meet the deadline to construct anything on the property so they put it up for sale to anyone that was willing to pay the price. Jet Center did reach an agreement with Wilrob and that lease was assigned and the improvements and lease hold rights were approved and the sale was complete to Jet Center.

Mayor Pro Tem – Stated that he would like to see something that states that if the city decides to grant a variance down to 5,000 then upon 2/3 or 75% occupancy then they have to build.

No action taken

(Postpone action until Proponent can be present at Council meeting)

- M-7 Request that the City Council consider authorizing the City Manager to execute a new Master Agreement for Engineering services with Wisenbaker, Fix and Associates for engineering services on an as needed basis in connection with improvements at Tyler Pounds Regional Airport, Work Order Number 1 totaling \$232,600.00 and for the Half Cent Sales Tax Board to consider funding the maximum local share of \$11,630.00.**

©

Councilman Alworth made the motion; seconded by Councilman Simons; 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 approving the purchase of eight hand-held radios, two mobile radios and the supporting radio equipment, from Motorola, through the Houston-Galveston Area Council of Governments (H-GAC) Program for the total amount of \$35,657.72.**
- C-A-2 Request that the City Council consider award of Bid Number 07-014 to Roll Offs USA, of Durant, Oklahoma for the annual contract for roll off containers.**

February 14, 2007

- C-A-3** Request that the City Council consider award of Bid Number 07-018 to Roll Offs USA of Durant, Oklahoma for the annual contract for front load garbage containers.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase baseball and softball field equipment for the City Tyler's athletic fields from BSN/Passion's/GSC/Conlin Sports of Dallas, Texas through the BuyBoard Purchasing Cooperative, in the amount of \$11,623.34.
- C-A-5** Request that the City Council consider approving the Reconciliation Change Order and releasing final retainage in the amount of \$23,220.12 to Striping Technologies, Incorporated for the 2006 Traffic Signal Improvements.
- C-A-6** Request that the City Council consider approving a professional services contract with Yvonne Newman Engineering, Incorporated in an amount not to exceed \$12,240.13 for the second year of the Traffic Data Collection program for the Tyler Area Metropolitan Planning Organization.
- C-A-7** Request that the City Council consider authorizing the City Manager to sell six City surplus vehicles to Smith County Constable Precinct 1, for a total amount of \$12,500.00.
- C-A-8** Request that the City Council consider approval of the annual withdrawal of funds from the S.A. Lindsey Fire and Police Trust Fund for the purpose of holding an Awards Banquet.
- C-A-9** Request that the City Council consider receiving a rebate check in the amount of \$2,110.94 and ratifying an updated participation agreement with the Local Government Purchasing Cooperative.
- C-A-10** Request that the City Council consider authorizing a payment to Boren – Scott Title Company in the amount of \$90,696.26 for acquisition of right-of-way for Grande Boulevard Phase 2.
- C-A-11** Request that the City Council consider authorizing the City Manager to purchase a replacement Global Positioning System (GPS) rover unit from Geomatic Resources, LLC. in the amount of \$17,330.00 for the Engineering Department.
- C-A-12** Request that the City Council consider authorizing an Engineering Services Contract with Ballard and Braughton Engineering for the Lake Street Drainage Study in the amount of \$19,800.

February 14, 2007

- C-A-13** Request that the City Council consider authorizing the City Manager to issue Final Acceptance to Emergency One, Incorporated, for one new 1500 gallon Airport Rescue Firefighting (ARFF) truck, at a final cost of \$591,425.00.
- C-A-14** Request that the City Council consider authorizing the City Manager to award Bid Number 07-012 to Brosang's Landscaping Company for a new grounds maintenance service contract at Tyler Pounds Regional Airport, totaling \$34,825.00 annually, for a term of two (2) years.
- C-A-15** Request that the City Council consider authorizing the City Manager to allow expenditure of previously approved grant funding in the amount of \$70,783.13, for the purchase of two (2) gasoline powered minivans with wheelchair ramps and installation of related mobile data terminals and two-way radios as approved by TxDOT in lieu of the purchase of one (1) minibus for paratransit services.
- C-A-16** Request that the City Council consider authorizing the City Manager to allow expenditure of previously approved grant funding in the amount of \$28,115.88, for the purchase of the RouteMatch Geographical Information System (GIS) data set, travel expenses for an employee of RouteMatch to install and provide technical expertise, and annual technical support for the web portal system, to improve information sharing with service facilities and citizens using Tyler Transit.

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

CITY MANAGER'S REPORT

1. Free bulky item pick up dates changed due to success MT 2/26/08 to 3/2/07; TF 3/5/07 to 3/9/07

RECESS FOR EXECUTIVE SESSION – City council convened into executive session at 9:45 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 LaPerriere v. City of Tyler
(Approve settlement 6:0)

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

February 14, 2007

City Council reconvened into executive session at 9:55 am with Councilman Alworth making the motion to approve the settlement as published; seconded by Mayor Pro Tem Smith; motion carried 6-0; approved as presented.

ADJOURNMENT

Mayor Pro Tem Smith made the motion to adjourn the meeting at 9:56 am; seconded by Councilman Sanders; 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