

**MINUTES OF THE  
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
April 11, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 11, 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  
Chris Simons  
Charles Alworth

City Manager: Bob Turner  
Deputy City Manager: Mark McDaniel  
City Attorney: Gary Landers  
Business Service Manager: ReNissa Wade  
Development Services Engineer: Michael Wilson  
Director of Neighborhood Services: Brenda Johnson  
Capital /City Projects Coordinator: Bill Ward  
Chief Financial Officer: Daniel Crawford  
City Librarian: Chris Albertson  
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  
Housing Service Manager: Andy Davis  
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 Choice.

**AWARDS**

**A-1 Retiree**

**Rodney L. Atkins**

**August 24, 1981 to February 28, 2007**

Rodney L. Atkins went to work for the City of Tyler on August 24, 1981 as a Senior Librarian at the Tyler Public Library. On August 4, 2002 his title was changed to Access Librarian. We are pleased to present Rodney with a Certificate of Retirement for his many years of service with the City of Tyler.

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**Rickey W. Waldrep**

**August 16, 1978 to March 31, 2007**

Rickey W. Waldrep went to work for the City of Tyler on August 16, 1978 as a Traffic Signal Technician in the Traffic Department. We are pleased to present Ricky with a Certificate of Retirement for his many years of service with the City of Tyler.

**Retiree/35 years**

**Stella L. Robinson**

**March 17, 1972 to March 31, 2007**

Stella L. Robinson went to work for the City of Tyler on March 17, 1972 as a Dispatcher-Clerk in the Police Department. Her job was re-classified to Records Clerk, Clerk I, Clerk II, Secretary, and in January, 1991 to Burglar Alarm Coordinator. We are pleased to present Stella with a 35-year service pin and a Certificate of Retirement for her many years of service with the City of Tyler.

**Retiree/25 years**

**William A. Horton**

**March 17, 1982 to March 31, 2007**

William A. Horton went to work for the City of Tyler on March 17, 1982 as a Patrolman in the Police Department. We are pleased to present William with a 25-year service pin and a Certificate of Retirement for his many years of service with the City of Tyler.

**25 years**

**Tom O. Mooney**

**March 16, 1982 to March 31, 2007**

Tom O. Mooney went to work for the City of Tyler on March 16, 1982 as a Fireman in the Fire Department. He was promoted to Fire Driver on January 28, 1986, Fire Captain in 1989, Battalion Chief in 1993 and Assistant Fire Chief in 1994. In 1997, Mr. Mooney was acting Fire Chief. His job was then re-classified to District Chief, the position he now holds. We are pleased to present him with a 25-year service pin for his many years of service with the City of Tyler.

**Narwin L. Gaby**

**March 1, 1982 to March 1, 2007**

Narwin L. Gaby went to work for the City of Tyler on March 1, 1982 as a Fireman in the Fire Department. He was promoted to Fire Driver on January 12, 1988 and on January 10, 1993 he was promoted to Captain, the position he now holds. We are pleased to present him with a 25-year service pin for his many years of service with the City of Tyler.

**Don L. Williams**

**March 1, 1982 to March 1, 2007**

Don L. Williams went to work for the City of Tyler on March 1, 1982 as a Fireman in the Fire Department. He was promoted to Fire Driver/Engineer on May 27, 1987, the position he now holds. We are pleased to present him with a 25-year service pin for his many years of service with the City of Tyler.

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**Dale A. Peterson**

**March 1, 1982 to March 1, 2007**

Dale A. Peterson went to work for the City of Tyler on March 1, 1982 as a Fireman in the Fire Department. He was promoted to Fire Driver/Engineer on March 22, 1996, the position he now holds. We are pleased to present him with a 25-year service pin for his many years of service with the City of Tyler.

**20 years**

**Regina A. Roberson**

**March 2, 1987 to March 2, 2007**

Regina A. Roberson went to work for the City of Tyler on March 2, 1987 as a Police Dispatcher in the Police Department. On January 13, 1987 her title was changed to Police Communications Operator. Currently she holds the title of Public Safety Telecommunicator II. We are pleased to present Regina with a 20 year service pin for her many years of service with the City of Tyler.

These employees represent over 234 years of service with the City of Tyler.

**A-2** The following employees were hired by the City of Tyler during the months of February and March 2007.

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

<b>Ryan Morrison</b>	<b>Laborer</b>	<b>Parks</b>
<b>Norris Wimberley</b>	<b>Deputy City Marshal II</b>	<b>Municipal Court</b>
<b>Thomas Perrin</b>	<b>Deputy City Marshal I</b>	<b>Municipal Court</b>
<b>Tracy Stepney</b>	<b>Residential Equipment Operator</b>	<b>Solid Waste</b>
<b>Matthew Easter</b>	<b>Equipment Servicer</b>	<b>Vehicle Services</b>
<b>Elvie Hollaway</b>	<b>Rehab Project Specialist/ Code Enforcement Officer</b>	<b>Neighborhood Services</b>
<b>Earnest Anderson</b>	<b>Residential Equipment Operator</b>	<b>Solid Waste</b>
<b>Jason Moore</b>	<b>Residential Equipment Operator</b>	<b>Solid Waste</b>
<b>Kenny Ray</b>	<b>Utility Account Servicer</b>	<b>Water Business Office</b>

**PRESENTATIONS**

**P-1** Request that the City Council recognize City Employees Sgt. John Brown, and Officers Johnny Green, Diana Massey, and Matthew Leigeber for their accomplishments at the 2007 World Police and Fire Games.

**ZONING**

**Z-1** APPLICATION Z02-07-005A FREEMAN FAMILY TRUST  
Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District and “PUR” Planned Unit Residential District to

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**“RPO” Restricted Professional and Office District and “PMF” Planned Multi-Family District on Lot 14 of NCB 1013I and Lots 1 through 33 of NCB 1561A of the Providence Park Addition located south and west of the intersection of New Copeland Road and Waterford Court (5661 Copeland Road). (Ord. 0-2007-34)**

Councilman Alworth made the motion to remove item Z-1 from table; seconded by Mayor Pro Tem Smith; motion carried 7-0;

**Barbara Holly, Director of Planning & Zoning** – Stated that on March 28, 2007, the City Council, voted 7-0 to table this request to allow time for further review of the site development plan and to meet with neighbors to address their concerns.

On April 3, 2007, a neighborhood meeting was held to discuss the adjoining property owners’ concerns. Six neighbors attended (the Lehman’s were not in attendance) and expressed concern about tree preservation along the southern most property line and southwestern portions of the subject property. They asked that all trees 6” or greater in diameter be preserved within the 65’ wide undisturbed buffer area, with an additional 15’ wide, undisturbed buffer to be maintained on the west property boundary, extending from the south property line to a distance of approximately 150’ northward. (For these purposes, undisturbed means leaving intact all trees 6” in diameter or larger.)

Mr. Parker agreed that trees meeting these standards that can reasonably be preserved, as determined by a licensed arborist, urban forester, or landscape architect, will be preserved. Within the western 15’ wide buffer, and within the western 50’ of the southern 65’ buffer, a licensed arborist, urban forester, or landscape architect is to determine appropriate tree plantings to recreate a hardwood forest with trees no closer than 10’ apart on center. Tree plantings are to be staggered to mimic natural conditions.

The neighbors asked if some of the parking behind the building could be relocated to facilitate tree preservation and Parker agreed to move a minimum of eight parking spaces from the southwest (behind the facility) to elsewhere on site, allowing the drive aisle to be moved closer to the building to assist in tree preservation. All site lighting is to be down shielded with a maximum of .2 foot-candles at the bounding property line to any single family area. The site plan is to depict visually these changes and also include these conditions in notes on the face of the site plan.

The neighbors were satisfied with the negotiations and Mr. and Mrs. Frost agreed to withdraw their protest if all conditions were met and memorialized on the site plan.

**Lois Hardy, 7030 Walden Dr.** – Asked if the 120 to 130 bed facility was going to be skilled nursing beds or a rehab?

**Larry Parker, 8215 Cambridge Rd.** – Stated that the facility will be licensed as a skilled nursing facility and there will be some rehabilitation such as physical therapy, occupational therapy, speech therapy and perhaps intravenous medication therapy but not rehab in the sense of residential drug rehab or anything like that.

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

## **RESOLUTIONS**

**R-1 Request that the City Council consider a resolution authorizing the Police Department to participate with other law enforcement agencies in the submission of a grant request to the Texas Auto Theft Prevention Authority and to include authorizing the City Manager to enter into a cooperative working agreement regarding the same. (Res. No. R-2007-11)**

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

**R-2 Request that the City Council consider adopting a Resolution approving the issuance of Hospital Revenue Bonds by the Tyler Health Facilities Development Corporation to finance certain projects and refinance others for Mother Frances Hospital Regional Health Care Center. (Res. No. R-2007-12)**

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

## **ORDINANCES**

**O-1 Request that the City Council consider adopting an ordinance canceling the Central District-Place One and the East District-Place Five Elections scheduled for May 12, 2007, and declaring the unopposed candidates for single Member District One and Five elected to office. (Ord. No. 0-2007-35)**

Councilman Moran 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 amending City Code Chapter 3 relating to the number of classified Fire Civil Service positions for Fiscal Year 2006-2007. (Ord. No. 0-2007-36)**

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

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to purchase consoles for the Police Communication Center from Wright Line LLC, who has a Texas Multiple Award Schedule contract through the General Services Administration (GSA), in the amount of \$27,159.**

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

- M-2 **Request that the City Council consider authorizing the City Manager to order a Fire Apparatus through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program in the amount of \$449,954.00.**

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

- M-3 **Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$13,029,112.43, to Reynolds & Kay, Ltd., for the construction of Grande Boulevard from Southerland Drive to Paluxy Drive and Copeland Road from Grande Boulevard to Reick Road. ©**

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

- M-4 **Request that the City Council consider approving the 2006 Community Development Block Grant Proyecto Rosalinda plans and specifications and authorize bidding the project. ©**

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

- M-5 **Request that the City Council consider authorizing the City Manager to execute a new services agreement with the Smith County Historical Society for the purpose of promoting and preserving local history, artifacts and historical documents/photos relating to the Tyler area. ©**

**Mark McDaniel, Deputy City Manager** — Stated that for several years, the City of Tyler has contributed to the Smith County Historical Society (SCHS) for the purpose of promoting and preserving local history, artifacts and historical documents/photos relating to the Tyler area. In addition, since 1999 the City has leased the old Carnegie Library to SCHS under separate agreement for use as a local history museum and the home of local history archives collection. In more recent years, contributions from the City have typically amounted to \$9,500 per year in the form of a cash payment or in the form of payment for utility bills for the aforementioned leased facility on behalf of SCHS.

In order to increase accountability for the use of this City payment for noted services, as well as provide a degree of predictability regarding future funding, a new and longer term contract is in the best interest of both the City and SCHS.

The new proposed contract would ensure accountability through provision of regular performance and financial reporting, budget review and an annual independent audit. In turn,

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the proposed three year contract provides some stability with regard to future base payments of \$9,500, which aides in fiscal planning beyond the immediate year. Finally, to encourage operational viability and the development of additional outside funding sources, incentive payments may be provided above the base payment each year that amount to a percentage (30%) of non-City contributions/revenues collected over \$25,000. As non-City collections increase, then so does the total payment for services.

Because the SCHS fiscal year coincides with the calendar year, future payments would be based upon the prior full calendar year of activity. Accordingly, over the next two City fiscal years payment from the City to SCHS would amount to:

Fiscal Year 2006-2007	\$10,787 (less any utilities already paid by City on SCHS's behalf)
Fiscal Year 2007-2008	\$11,756

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

M-6 **Request that the City Council consider accepting the Annual Review of City of Tyler Tax Abatements regarding Carrier Corporation 2001, Carrier Corporation 2004, CB&I Howe-Baker, and Suddenlink. ©**

Barbara Holly, Director of Finance - Stated that on March 21 the City of Tyler Reinvestment Zone Committee met to review the status of the 4 current projects as of December 31, 2006. The City oversight committee found that 775 jobs have been created to date as a result of these expansion projects, and over \$47 million have been invested in new plant and equipment in Tyler.

The **Carrier** projects were in compliance with all terms, and the Committee recommended 100% tax abatement for both.

**CB&I Howe-Baker's** plans for a new office building in Tyler are still on hold as directed by their corporate management. They are currently utilizing other facilities within the state that have available space. The company will not realize a benefit until they actually start construction.

**Suddenlink** (formerly Cox Communications) has invested \$11,332,903 through 2006. The company retained 179 jobs and agreed to create 400 new jobs by December 2005, for a total of 579 jobs. However, Suddenlink reported 333 new employees at year end, which is 88% of goal.

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

**CONSENT AGENDA**

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**(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 the City Manager to enter into an agreement with Artmires' Urban Forestry, LLC of Tyler, Texas, for providing labor and equipment for the trimming or removal of trees from City of Tyler parks with the amount not to exceed \$18,000.

C-A-2 Request that the Tyler City Council ratify payment in the amount of \$18,980.38 to Stewart & Stevenson Services, Incorporated, for After Hours Emergency Repairs to Fire Apparatus Engine Number 4.

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

### **CITY MANAGER'S REPORT**

1. ***TT&C/TML = Tyler lowest tax for cities our size and larger***
2. ***Airport – boarding bridges being installed***
3. ***Website – increasing use; 109,000 monthly visits, road condition report now available; appreciation to Laura for efforts in increasing use of website***
4. ***CDBG week, National Housing Month & T-shirts***

### **RECESS FOR EXECUTIVE SESSION - No executive session held**

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

-under section 551.072 “Real Estate” to discuss the sale or acquisition of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City related to development of recreational areas.

### **ADJOURNMENT**

Councilman Alworth made the motion to adjourn the meeting at 9:55 a.m.; seconded by Councilman Moran; motion carried 7-0; meeting adjourned.

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

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ATTEST:

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CASSANDRA BRAGER, CITY CLERK

***Public Information/Open Records training to follow.***