

**MINUTES OF THE  
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
May 15, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Tuesday, May 15, 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 (absent)  
Donald Sanders  
Derrick Choice (absent)  
Chris Simons  
Charles Alworth (absent)

City Manager: Bob Turner  
Deputy City Manager: Mark McDaniel  
City Attorney: Gary Landers  
Deputy City Attorney: Steve Kean  
Business Service Manager: ReNissa Wade  
Development Services Engineer: Michael Wilson  
Capital /City Projects Coordinator: Bill Ward  
Chief Financial Officer: Daniel Crawford  
City Fire Chief: Neal Franklin  
City Police Chief: Gary Swindle  
Communications/Media Services Coordinator: Laura Krantz  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
Internal Auditor: Keidric Trimble  
Manager of Water Quality and Production: Mitch Marable  
Director of Utilities & Public Works: Greg Morgan  
Staff Services Director: Rose Ray  
Traffic Engineer: Kirk Houser  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Smith.

Mayor Pro Tem Smith made the motion to approve the minutes for the April 25, 2007 City Council meeting; seconded by Councilman Sanders; motion carried 4-0; approved as presented.

**ORDINANCES**

**O-1 Request that the City Council consider canvassing the returns of the City Council Election held May 12, 2007, and adopt ordinance declaring results of election. (Ord. No. 0-2007-52)**

Results of the election are Rodney Atkins 285 votes, Danny Brasher 12 votes and Ralph E Caraway Sr. 505 votes.

Councilman Simons made the motion; seconded by Councilman Sanders; motion carried 4-0; approved as presented.

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## **ELECTION**

**E-1 Administer Oath of Office to City Council-members for Districts 1,3,5** (Councilman Moran was not present)

Mayor Seeber administered the oath of office to Incumbent Councilman Steve Smith, and newly elected Councilman Ralph E. Caraway Sr.

**E-2 Elect Mayor Pro-Tem**

Mayor Pro Tem Smith made the motion to elect Chris Simons as Mayor Pro Tem; seconded by Councilman Sanders; motion carried 5-0; approved as presented.

## **ZONING**

**Z-1 APPLICATION A05-07-001A TERRY T. PENN**

**Request that City Council consider an Ordinance providing for the annexation of certain sparsely populated and owner requested territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, referred to as Annexation Application A05-07-001A constituting approximately 6.465 acres contained in the Penco Office Park Subdivision as recorded in Cabinet D, Slide 42D of the Plat Records of Smith County, Texas, located at the northwest corner of the intersection of Spur 248 and CR 272 (Adam Henry Drive). (Ord. 0-2007-53)**

Councilman Smith made the motion; seconded by Mayor Pro Tem Simons; motion carried 5-0; approved as presented.

**Also, consider establishing:**

- A. The new boundary of the City Limits**
- B. The new boundary of the Extraterritorial Jurisdiction**
- C. The new boundary of the City Council Districts**
- D. The initial Land Use designation of high density multi-family residential**
- E. The original zoning of “R-3” Multi-Family Residential District to allow for the development of a multi-family complex.**

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to sign an engagement letter for professional services with Prothro, Wihelmi & Company, P.L.L.C. to perform the city of Tyler’s annual audit for the fiscal year 2006-2007 for a maximum total cost of \$74,800. ©**

Mayor Pro Tem Simons made the motion; seconded by Councilman Sanders; motion carried 5-0; approved as presented.

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- M-2 Request that the City Council consider authorizing the City Manager to execute a contract, in the amount of \$1,300,000, with ONCOR Electric Delivery Company (ONCOR) for the relocation of a 138 kV electric line associated with the Grande Boulevard Phase 2A project. ©**

Councilman Smith made the motion; seconded by Councilman Sanders; motion carried 5-0; approved as presented.

- M-3 Request that the City Council consider authorizing the City Manager to execute a contract in the amount of \$1,000,000, with ONCOR Electric Delivery Company (ONCOR) for the construction of a temporary by-pass 345 kV electric line associated with the Grande Boulevard Phase 2A project. ©**

Mayor Pro Tem Simons made the motion to approve subject to completion of the review by the legal department; seconded by Councilman Sanders; motion carried 5-0; approved as presented.

- M-4 Request that the City Council consider authorizing a payment to Boren – Scott Title Company in the amount of \$316,787.51 for acquisition of right-of-way for Grande Boulevard Phase 2.**

Councilman Smith made the motion; seconded by Mayor Pro Tem Simons; motion carried 5-0; 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 the City Manager to award Bid Number 07-027 for a palletized airless road striping machine to Kelly-Creswell Company in the amount not to exceed \$28,599.00.**
- C-A-2 Request Council consider authorizing the City Manager to enter into a maintenance agreement with NEC Technologies for hardware and software associated with the Automated Fingerprint Identification System in the police department at an annual cost of \$6,936.**
- C-A-3 Request that the City Council consider the purchase of two new roll-off trucks from Dallas Mack Sales and B&C Body through the H-GAC and Buyboard purchasing cooperatives in the amount of \$242,897, and authorize the trade-in of units number 685 and number 686 in the amount of \$150,612, bringing the total purchase of the two units to \$92,285. It is also recommended that the City Council authorize the City Manager to execute the 30 month 80 percent buy back plan.**
- C-A-4 Request that the City Council consider authorizing payment to Landmark Title in the amount of \$13,385.77 for acquisition of right-of-way for Lake Placid Road.**

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**C-A-5 Request that the City Council consider authorizing expenditures for the purchase of an influent pump gear box in the amount of \$10,440.57 to Motion Industries Incorporated for the Southside Wastewater Treatment Plant.**

**C-A-6 Request that the City Council consider authorizing expenditure for the purchase of an Electric Motor in the amount of \$16,040.00 to Shermco Industries, Dallas, Texas.**

Councilman Sanders made the motion to approve the entire consent agenda; seconded by Councilman Smith; motion carried 5-0; approved as presented.

**CITY MANAGER'S REPORT**

1. *Thanks to Greg Morgan for his timely efforts as Interim Engineering Dept. Leader.*
2. *Thanks to Kirk Houser for comparing outside & inside costs.*
3. *Airport Manager to serve as Interim Transit Manager for 6 months as this is brought in house.*
4. *Mayor's State of City address tomorrow 5/16/07 at noon.*
5. *Peace Officers memorial Service today at noon.*

**NO EXECUTIVE SESSION PLANNED**

**ADJOURNMENT**

Councilman Sanders made the motion to adjourn the meeting at 9:39 a.m.; seconded by Mayor Pro Tem Simons; motion carried 5-0; meeting adjourned.

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

**A T T E S T:**

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**CASSANDRA BRAGER, CITY CLERK**