

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

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 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:	Chris Simons
Council Members:	Nathaniel Moran
	Donald Sanders (absent)
	Ralph Caraway
	Steve Smith
	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
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
Housing Service Manager:	Andy Davis
Internal Auditor:	Keidric Trimble
Manager of Water Quality and Production:	Mitch Marable
Manager/Water Utilities Business Office:	Joan Roberson
Director of Utilities & Public Works:	Greg Morgan
Traffic Engineer:	Kirk Houser
Interim Tyler Transit:	Davis Dickson
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Moran.

Councilman Smith made the motion to approve the minutes for the June 13, 2007 and June 19, 2007 City Council meetings; seconded by Councilmember Moran; motion carried 6-0; approved as presented.

AWARDS

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Retirees

A-1

Marilyn V. Liles

May 28, 1996 to May 31, 2007

Marilyn V. Liles went to work for the City of Tyler on May 28, 1996 as a Library Assistant in the Library. We are pleased to present Marilyn with a Certificate of Retirement for her years of service with the City of Tyler.

Allan B. Crosby

June 28, 1988 to June 30, 2007

Allan B. Crosby went to work for the City of Tyler on June 28, 1988 as a Police Officer in the Police Department. On June 23, 1997 he was promoted to Police Sergeant. Allan resigned from the City of Tyler in September of 1999 to serve a year in Kosovo and was re-hired on October 30, 2000. We are pleased to present Allan with a Certificate of Retirement for his years of service with the City of Tyler.

Retiree and 35 years

Lynda L. Eichler

May 21, 1973 to May 31, 2007

Lynda L. Eichler went to work for the City of Tyler on May 21, 1973 as a Clerk II in the Finance Department. In October of 1979, she received her first promotion to Accounting Clerk. Lynda went on to receive promotions to Clerk III in 1980, Sr. Accounting Clerk in 1991, Financial Assistant in 1995 and Accounts Payable Supervisor in November, 1997. Her job was reclassified in 2003 to Accounting Technician. We are pleased to present Lynda with a 35 year service pin and a Certificate of Retirement for her many years of service with the City of Tyler.

30 years

James A. Smith

June 6, 1977 to June 6, 2007

James A. Smith went to work for the City of Tyler on June 6, 1977 as a Firefighter in the Fire Department. He was promoted to Driver on May 28, 1986. On December 11, 1987 his job title changed to Fire Investigator. James transferred to Fire Driver on June 20, 1990. He was promoted to Fire Captain on January 27, 1992 and on April 16, 2003 he was promoted to Fire Training Chief, the position he now holds. We are pleased to present James with a 30 year service pin for his many years of service with the City of Tyler.

Mitch P. Marable

June 6, 1977 to June 6, 2007

Mitch P. Marable went to work for the City of Tyler on June 6, 1977 as a Plant Operator "B" in the Water Utilities Department. He was promoted to Plant Operator "A" on May 1, 1980. On September 1, 1980 he was promoted to Chief Operator Southside Plant. His position was reclassified on January 1, 1991 to Chief Treatment Plant Operator. On February 22, 1993 Mitch was promoted to Wastewater Treatment Superintendent and later to the Manager of Water Production and Water Quality, the position he now holds. We are pleased to present Mitch with a 30 year service pin for his many years of service with the City of Tyler.

These employees represent over 124 years of service with the City of Tyler.

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A-2 New Employees

The following employees were hired by the City of Tyler during the month of July 2007.

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

Ray Alden	Senior Bus Driver	Transit
Al Anderson	Bus Driver	Transit
Charles Bagley	Bus Driver	Transit
Larry Bailey	Bus Driver	Transit
Paulette Blair	Bus Driver	Transit
Donald Brooks	Senior Bus Driver	Transit
Michael Evans	Senior Bus Driver	Transit
Adam Garrett	Transit Dispatcher	Transit
Vickie Godina	Bus Driver	Transit
Eugene Hood	Senior Bus Driver	Transit
Ruth Johnson	Account Specialist	Transit
John Martin	Bus Driver	Transit
Michael Millett	Senior Clerk	Transit
Robert Neal	Bus Driver	Transit
Joe Skillerns	Transit Supervisor	Transit
Kenneth Staples	Bus Driver	Transit
Stevie Tave	Transit Scheduler	Transit
Patricia Thompson	Transit Supervisor	Transit
Marianne Unk	Transit Office Supervisor	Transit
Patricia White	Senior Bus Driver	Transit
Jeremy Nobles	GIS Analyst	Planning and Zoning/MPO
Merilynn Wick	IT Specialist II	Computer Services
Morgan McRae	Laborer	Engineering Services
Johnny Lowery	Building Inspector	Development Services
John Pipes	Plant Operator II	Water Plant
Mario Alvarez	Equipment Mechanic I	Vehicle Services

PRESENTATIONS

P-1 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2006-2007 Budget document from the Government Finance Officers Association of the United States and Canada.

Kathy Dibose - Presented the City of Tyler with plaques for being awarded the “Distinguished Budget Presentation Award” for its Fiscal Year 2006-2007 Budget.

PUBLIC HEARINGS

H-1 Request that the City Council conduct a public hearing to consider and provide direction on the FY 2007-2008 Community Development Block Grant (CDBG) and HOME Programs.

Brenda Johnson, Director of Neighborhood Services - Gave a brief update on the Annual FY 2007-2008 Community Development Block Grant and HOME Programs.

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Anne Payne, Habitat for Humanity – Thanked City Council for their support and asked City Council if they could reconsider granting Habitat for Humanity the proposed amount that was submitted.

Kim Bush, Unit Manager Andrew Center – Thanked City Council for their support and the opportunity to apply for funds

Betty Johnson, South Advocates of the East Texas Advocacy project – Stated that some of the South Advocacy, persons with disabilities, desired to be present today however they could not because of the limitations of community transportation.

Nancy Crawford – Thanked City Council for their support and Mrs. Crawford also stated that the CDBG is one of the best voting streams that the city has for providing direct services. Nancy Crawford asked City Council to consider giving \$40,000.00 to the Adult Literacy Program.

ORDINANCES

- O-1 Request that the City Council consider approving an Ordinance adopting the Housing Choice Voucher Program’s Administrative Plan and Annual Plan; fiscal year 2007-2008.**
(Ord. No. 0-2007-74)

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

- O-2 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, “Traffic”, Article III, “Speed Regulations”, Section 17-64, modifying an existing school speed zone speed limit of 20 mph for Austin Elementary School along Grand Avenue, Moore Avenue, Palace Avenue, Texas College Road, Franklin Street, Harmony Street and Vance Street.** ***(Ord. No. 0-2007-75)***

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

- O-3 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, “Traffic”, Article III, “Speed Regulations”, Section 17-64, establishing a new school speed zone speed limit of 20 mph for Jack Elementary School along Blue Mountain Boulevard, Rockpoint Circle, Balsam Gap, Grassy Ridge Lane, Neighbors Road, Rocky Mountain Lane, Manassas Lane and Spruce Pine Lane.** ***(Ord. No. 0-2007-76)***

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

- O-4 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, “Traffic”, Article III., “Speed Regulations”, by decreasing the speed limit from 55 m.p.h. to 50 m.p.h. on a portion of F.M. 2964 (Rhones Quarter Road) from Shiloh Road south to the City limit.** ***(Ord. No. 0-2007-77)***

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

- O-5 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 17, "Traffic", Article VIII., "Taxis", to amend the taxi driver requirements related to driver permit fee, permit term, and annual reviews of driver permits. (Ord. No. 0-2007-78)**

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

- O-6 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 12, to allow promotional incentives for any new or incumbent 14 CFR Part 121 Airline that agrees to initiate additional or enhanced air service from Tyler Pounds Regional Airport. (Ord. No. 0-2007-79)**

Caraway left

Councilman Alworth – Asked what the incentive was for changing from turbo props to jets and why is a 3 month waiver being considered instead of a 6 month waiver?

Davis Dickson, Airport Manager – Stated that this can be decided on by City Council.

Councilman Moran – Asked if it would help if City Council termed those commitments in terms of will abate for half the period for which the airlines commit? If they commit to a two (2) year lease then we give them a one (1) year abatement. If they commit to a 6 month lease then we give them a three (3) month abatement, would that help?

Mayor Seeber – Asked if the plan set forth has been presented to the FAA? The only thing that the Mayor does not want to see is the project changed and then it is delayed.

Councilman Moran – Stated instead of terming the abatements for the three (3) different sections in terms of six (6) months for abating some of the landing fees and then the three (3) month period, when you get to the area with respect to larger aircraft just term it as though we give them an abatement for half the period the airlines will commit.

Davis Dickson, Airport Manager – Stated that he would like to see a cap be placed on the term with a 50 percent of a two (2) year term.

Clyde Sanders, General Manager, American Eagle - Stated that the document still falls short of the requirements of what the airlines would need in way of incentives. Mr. Sanders stated that American Eagle will be adding a flight from Tyler Pounds to DFW.

Councilman Moran made the motion instead of terming the abatements for the three (3) different sections in terms of six (6) months for abating some of the landing fees and then the three (3) month period. When you get to the area with respect to larger aircraft just term it as though we give them abatement for half the period the airlines will commit; seconded by Councilman

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Alworth; motion carried 5-0; approved as amended with minimum of six (6) months and maximum of two (2) years plus review American Eagle requests to waive some fees for the added flight.

- O-7 Request that the City Council consider adopting an Ordinance amending Chapter 8, “Parks” by deleting provisions for daily use fees for swimming pools located at Fun Forest and Woldert Parks and adding a provision for rental of Park Spray Grounds. (Ord. No. 0-2007-80)**

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

MISCELLANEOUS

- M-1 Request that the City Council consider receiving bids opened on July 9, 2007, for the Grande Boulevard Phase 2B project and authorizing the City Manager to award a contract to the lowest responsible bidder. ©**

Mayor Pro Tem Simons made the motion to award the contract to Reynolds and Kay for \$16,358,454.27; seconded by Councilman Alworth; motion carried 5-0; approved as presented.

- M-2 Request that the City Council consider receiving bids opened on July 9, 2007, for the South Broadway Intersection Improvements Phase I project and authorizing the City Manager to award a contract to the lowest responsible bidder. Removed from Agenda**

- M-3 Request that the City Council consider authorizing the City Manager to sign a Memorandum of Understanding with Smith County so the Sheriff’s Office can make application for and accept the Edward Byrne Memorial Justice Assistance Grant for the Year 2007 in the amount of \$106,865, of which \$53,432.50 is the City of Tyler’s portion. ©**

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

- M-4 Request that the City Council consider ratifying staff action authorizing payment to Landmark Title Company in the amount of \$24,286.44 for acquisition of right-of-way for Lake Placid Road.**

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

- M-5 Request that the City Council consider authorizing the City Manager to execute the renewal of an Off-Site Car Rental Permit for Southwest-Tex Leasing Company, Incorporated d/b/a Advantage Rent-A-Car at Tyler Pounds Regional Airport. ©**

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Councilman Alworth made the motion; seconded by Councilman 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 the purchase of four (4) new Scott Air Packs consisting of AP 50, SCBA 4.5, with Quick Disconnect Regulators, and SEMS, 4500 Factory Installed Assembly, from the Sole Source in District - MES-Four Alarm in the total amount of \$13,884.00.
- C-A-2** Request that the City Council ratify the purchase of one (1), 35-cubic-yard, self-contained compactor unit, from Kee Service Company in the amount of \$17,946.75.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase one Dodge Nitro from the low bidder Allen Samuels Dodge, of Tyler, Texas in the amount of \$20,790.00.

Mayor Pro Tem Simons 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. *Fire Station #7 Ground breaking at 1:00 at Donnybrook & Troup*
2. *Airport HAM Museum dedication at 10:00 Thursday, 7/12/07*
3. *Update on Streets clearing storm/trees damages*
4. *Keidric Trimble back at work*

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:29 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 551.071 “Litigation” deliberation regarding the following:

Pending or contemplated litigation involving The Cascades

City Council reconvened from executive session at 11:35 a.m. with no action taken.

ADJOURNMENT

Councilman Moran made the motion to adjourn the meeting at 11:35 a.m.; seconded by Councilman Alworth; 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:

**_____
CASSANDRA BRAGER, CITY CLERK**