

**MINUTES OF THE  
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
September 12, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, September 12, 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  
Ralph Caraway  
Steve Smith  
Charles Alworth

City Manager: Bob Turner  
Deputy City Manager: Mark McDaniel  
City Attorney: Gary Landers  
Assistant City Attorney: Deborah Pullam  
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 Librarian: Chris Albertson  
City Police Chief: Gary Swindle  
Director of Parks and Recreation: John Webb  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
Manager/Water Utilities Business Office: Joan Roberson  
Director of Utilities & Public Works: Greg Morgan  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

Mayor for the day is Hunter Region.

Mayor Pro Tem Simons made the motion to approve the minutes for the August 22, 2007 City Council meeting; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

**Employee Awards – Recognitions, Service Pins and Certificates**

**A-1** The following employees were hired by the City of Tyler during the month of August 2007.

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

*Andrew Erbaugh	Police Officer IV	Police
Jonathan Admire	Fire Recruit	Fire
Jesse Crotty	Fire Recruit	Fire
Ronnie Hunt	Fire Recruit	Fire
Timothy Isenblitter	Fire Recruit	Fire
Matthew Jenkins	Fire Recruit	Fire
Logan Luttrell	Fire Recruit	Fire
Jay McClung	Fire Recruit	Fire
Joshua Spinhirne	Fire Recruit	Fire
Jason Stroud	Fire Recruit	Fire
Steven Wieczor	Fire Recruit	Fire
William Jones	Grounds Technician	Parks
*Jamie Fletcher	Equipment Mechanic I	Vehicle Services
Cyle Brockway	Fire Recruit	Fire
Kevin Skinner	Fire Recruit	Fire
Jennifer Mountain	PS Telecommunicator II	Police
Brandon Sims	Truck Driver	Stormwater
Brandon Montgomery	Planner	Planning and Zoning

## **PRESENTATIONS**

**P-1** Request that the City Council receive a presentation on the status of the Tyler 21 comprehensive planning process.

**Deputy City Manager, Mark McDaniel** – Gave a brief presentation on the status of the Tyler 21 comprehensive planning process.

## **PUBLIC HEARINGS**

**H-1** Request that the City Council conduct a public hearing on the proposed fiscal year 2007-2008 Budget and on the proposed property tax rate of \$.199000 per \$100 of taxable property value.

**Larry Meckley, 401 Sutherland** – Asked for discussion for funding to the American Red Cross, PATH and the 15% cushion in the reserves.

**Mayor left**

**H-2** Request that the City Council conduct a public hearing, consider adopting an ordinance renewing the designation of Reinvestment Zone Number 2 – Hood Packaging (formerly Bonar Packaging) for commercial and industrial tax abatement, and consider approving a tax abatement agreement with Hood Packaging and authorizing the City Manager to sign all documents necessary to implement the tax abatement agreement. **(Ord. No. 0-2007-102)**

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

**ORDINANCES**

- O-1 Request that the City Council consider adopting an ordinance amending Chapter 4, "Offenses and Miscellaneous Provisions", by amending Article VII., "Code Enforcement" authorizing the Solid Waste Director or his designees to enforce certain local ordinances. (Ord. No. 0-2007-103)**

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

**MISCELLANEOUS**

- M-1 Request that the City Council consider authorizing the acceptance of a donation of 5 acres of land located adjacent to Woldert Park, for the purpose of leasing it and an additional 10 acres to the new Tyler chapter of First Tee for the development of privately funded youth golfing facilities. ©**

**Deputy City Manager, Mark McDaniel** – Stated that the First Tee, a non profit youth character education program, will lease the public land and build facilities to teach the game of golf to the city's youth. The First Tee introduces young people of varied backgrounds to the game of golf and works to promote character development through the sport. Mark stated the First Tee program is more than about teaching a game, it is about impacting the lives of young people through the game of golf.

Westchase Center (the Richey family, represented by Marilyn Richey) has donated a 5 acre tract of land to the City of Tyler that is located immediately adjacent to Woldert Park to the north along North Broadway. It is intended that this property, and an adjacent 10 acres of property to the south in Woldert Park, be used for public recreational uses, namely leased to the Tyler First Tee for a youth golf program.

**Marilyn Richey, 521 Rudman** – Stated that her husband had a great interest in helping with any kind of program that promoted the youth and also athletics and she knows great things will come from this project.

**Clyde Nelson IV, 7102 Doral Place** – Asked City Council and citizens to join in and help support this project.

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

- M-2 Request that the City Council consider approving the renewal of the Workers' Compensation claims handling services contract with Claims Administrative Services for fiscal years 2007-2008, 2008-2009, and 2009-2010. ©**

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

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**M-3** Request that the City Council consider authorizing the City Manager to approve two Change Orders for the Faulkner Park Sprayground, Playground and Parking Lot Project in the amount of \$17,418.24. ©

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

**M-4** Request that the City Council consider approving the Reconciliation Change Order and releasing final retainage in the amount of \$16,345.00 to Durable Specialties, Incorporated for the Adaptive Signal Control System. © **(Removed from Agenda)**

### **CONSENT AGENDA**

**C-A-1** Request that the City Council consider authorizing the City Manager to award the Fiscal Year 2007-2008 annual contract for furnishing Uniform / Floor Mat Rental, bid number 07-043, from October 1, 2007 thru September 30, 2008, to Aramark Uniform Services of Tyler, Texas.

**C-A-2** Request that the City Council consider authorizing the purchase/construction of a 30' x 40' x 12' all-steel building for storage purposes for the Fire Department, from the low bidder – F.E. Sawyer Building Systems, Incorporated, in the total amount of \$19,968.00.

**C-A-3** Request that the City Council consider ratifying the award of a formal quote for the 2006 Community Development Block Grant Sidewalk Project in the amount of \$23,095 to J. C. Johnson Construction.

**C-A-4** Request that the City Council consider authorizing the City Manager to extend the Printed Material (Business Cards, number 10 Envelopes and Letterhead Stationery) Bid, Bid Number 06-062, for one year, October 1, 2007 thru September 30, 2008, to Crown Office Supplies of Tyler, Texas.

**C-A-5** Request that the City Council consider authorizing the City Manager to purchase twenty-four Genesis 1 Radars for new Police vehicles from the low bidder Decatur Electronics, Incorporated, of Decatur, Illinois in the amount of \$24,390.00.

**C-A-6** Request that the City Council consider authorizing the City Manager to award the fiscal year 2007/2008 annual contract for furnishing Clay Pipe and Fittings to Mission Clay Products of San Antonio, Texas.

**C-A-7** Request that the City Council consider authorizing the City Manager to award the fiscal year 2007/2008 annual contract for furnishing Concrete Meter Boxes and Lids to Municipal Waterworks of Royse City, Texas.

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- C-A-8** Request that the City Council consider authorizing the City Manager to extend the Copy Paper Bid, Bid Number 06-063, for one year, October 1, 2007 thru September 30, 2008, to Dixie Paper Company of Tyler, Texas.
- C-A-9** Request that the City Council consider authorizing the City Manager to award the fiscal year 2007/2008 annual contract for furnishing Ductile Iron Fittings to Municipal Water Works of Royse City, Texas.
- C-A-10** Request that the City Council consider authorizing the City Manager to award the fiscal year 2007/2008 annual contract for furnishing Ductile Iron Pipe to Municipal Waterworks of Royse City, Texas.
- C-A-11** Request that the City Council consider approving a request from the Oncor Electric Delivery Company, for an Aerial Easement for overhead electric power and communications lines across certain tract(s) of land in vicinity of State Highway 110 and the Grande East extension that is under construction.
- C-A-12** Request that the City Council consider authorizing the City Manager to award the Fiscal Year 2007-2008 annual contract for furnishing Office Furniture and Equipment, bid number 07-042, from October 1, 2007 thru September 30, 2008, to Vincent Graphics & Supply of Tyler, Texas.

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

**(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).**

## **APPOINTMENTS TO BOARDS**

### **Mayor return**

- B-1** Request that the City Council consider making appointments and reappointments to the various City boards.

## **PARKS BOARD**

Councilman Smith made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following board member:

**Jennifer Carson**

## **KEEP TYLER BEAUTIFUL BOARD**

Councilman Smith made the motion to accept the resignation of Marjorie Mustard and appoint Eloise Muxworthy as Chairman; seconded by Councilman Alworth; motion carried 7-0.

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**CONVENTION AND VISITOR BOARD**

Councilman Alworth made the motion; seconded by Councilman Caraway; motion carried 7-0 to re-appoint the following board members:

- Darryl B. Bowdre
- Sherry Rodgers
- Robert K. Owen
- Brian McCalla
- Amy Lyons
- Hector Guevara
- Tami Tidwell
- Robert Owen

**CITY MANAGER’S REPORT**

- 1. *Tyler Recycling Center now accepts electronics, take to Good Will*

**RECESS FOR EXECUTIVE SESSION** – City council convened into executive session at 9:55 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 following:

- 1. Pending or contemplated litigation involving Cascades and/or Western Rim developments

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.

City council reconvened from executive session at 10:57 am with no action taken

**ADJOURNMENT**

Councilman Moran made the motion to adjourn the meeting at 10:57 am; seconded by Councilman Alworth; motion carried 7-0; 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**