

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 25, 2008**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 25, 2008 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Chris Simons
Council Members:	Nathaniel Moran
	Donald Sanders
	Ralph Caraway
	Steve Smith
	Charles Alworth
City Manager:	Bob Turner (absent)
City Manager Designate:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Budget/Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Director of Neighborhood Services:	Brenda Johnson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Fire Chief:	Neal Franklin
City Police Chief:	Gary Swindle
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Manager of Water Quality and Production:	Mitch Marable
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

Motion by Councilmember Alworth to approve the minutes of the April 23rd, May 14th, May 21st and May 28, 2008; seconded by Councilmember Caraway; motion carried 7-0 & approved as presented.

ELECTION

E-1 Administer Oath of Office to City Council-member for District 6.

Mayor Bass administered the oath of office to reappointed councilmember Charles Alworth, District 6.

E-2 Elect Mayor Pro-Tem

Motion by Councilmember Smith to appoint Councilmember Charles Alworth as Mayor Pro Tem; seconded by Councilmember Moran; motion carried 7-0 & approved as presented.

ZONING

Z-1 APPLICATION Z04-08-044A MARK PATEL

Request that the City Council consider a request to change the zoning from “PCD” Planned Commercial District, allowing only single and two story retail, to “PCD” Planned Commercial District, allowing all uses enumerated in the zoning district land use chart, with final site plan approval on a portion of Lot 1 of NCB 1090, one lot totaling approximately 8.39 acres located at the southeast intersection of McDonald Road and Loop 323 SSE. (Ord. 0-2008-77)

Motion by Councilmember Moran; seconded by Councilmember Caraway; motion carried 7-0 & approved as presented.

Z-2 APPLICATION Z04-08-053B TYLER JUNIOR COLLEGE

Request that the City Council consider a request to change the zoning from “R-1A” Single Family Residential District to “INT” Institutional District on Lots 38-43, 44A and 45A of NCB 678D of the Threlkeld Subdivision, eight lots totaling approximately 1.71 acres located at the southeast intersection of Devine Street and Blackwell Avenue (1000, 1026 and 1032 S. Blackwell Avenue). The applicant is requesting a zoning change to bring the zoning into conformity with the current use. (Ord. 0-2008-78)

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Simons; motion carried 7-0 & approved as presented.

Z-3 APPLICATION Z05-08-059B VERNON GOSS



Request that the City Council consider a request to change the zoning from “R-MF” Multi-Family Residential District to “RPO” Restricted Professional Office District on Lot 1B of NCB 678M, one lot totaling approximately 0.236 acres located two lots east of the northeast intersection of Medical Drive and South Fleishel Avenue (1120 Medical Drive). (Ord. 0-2008-79)

Motion by Councilmember Simons; seconded by Councilmember Smith; motion carried 7-0 & approved as presented.

Z-4 APPLICATION Z05-08-061A BRELSFORD PARTNERS



Request that the City Council consider a request to change the zoning from “R-MF” Multi-Family Residential District to “RPO” Restricted Professional Office District on Lots 4A, 4B, and 5 of NCB 678M, three lots totaling approximately 1.08 acres located at the northeast intersection of Medical Drive and Clinic Drive (1212 Medical Drive). (Ord. 0-2008- 80)

Motion by Councilmember Smith; seconded by Mayor Pro Tem Alworth; motion carried 7-0 & approved as presented.

Z-5 APPLICATION Z06-08-063A BELLWOOD TYLER PROPERTY INVESTMENTS, LP
Request that the City Council consider a request to change the zoning from “R-1A”
Single Family Residential District to “PMXD-2” Planned Mixed Use District with Final
Site Plan approval on an approximate 27 acre tract of land located west of Loop 323
SSW, north of Bellwood Lake, and south of State Highway 31. (Ord. 0-2008-81)

Jan Wood, President of the East Texas Trekkars Walking Club, 4722 Commonche Trail –
Stated that the City could get a grant and develop the land on its own instead of allowing a
developer to come in and develop the land. Mrs. Wood recommended to City Council to deny
the plat as presented and consider changing the abatements that have been allowed to develop
on the 37 acres of land.

Dolph Miller, Tyler Autobahn Society, 14130 Lake Rd. E. – Stated that his organization sees
the Bellwood Lake area as a rare and unique natural site. The highest and best use of this
property is a nature tourism site and a learning center. This area could also be a benefit to the
planned Convention Center. Mr. Miller and the Tyler Autobahn Society request delaying the
decision on this rezoning application made by Bellwood Tyler Property Investment until after a
finalized and accepted master plan is acquired.

Jane Purtle, 332 CR 3806 – Stated that she was concerned with the rezoning before the master
plan has been approved and she asked City Council to delay the decision until the master plan
is in place.

Motion by Councilmember Sanders; seconded by Mayor Pro Tem Alworth; motion carried 7-0
& approved as presented.

RESOLUTIONS

R-1 Request that the City Council consider adopting a Resolution ratifying submission of an
application for Federal Aviation Administration (FAA) Grant Funds in the amount of
\$2,852,706.00 for Design and Clearing of the Runway Visibility Zone (RVZ); 2008 Phase
III of the Perimeter Road Construction Project; and Design Services for the Runway 4/22
Runway Safety Area (RSA) Project, at Tyler Pounds Regional Airport. This Resolution
also accepts any grant amendments to increase the grant funding levels, and authorizes
the City’s match payment not to exceed 5 percent for proposed grant projects.
(Res. R-2008-12)

Motion by Councilmember Simons; seconded by Mayor Pro Tem Alworth; motion carried 7-0
& 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 city limits and owned by taxing
entities including the City of Tyler. PULLED

ORDINANCE

- O-1 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, extending the boundaries of an existing school speed zone for Dixie Elementary School along Patton Lane and adding a new school speed zone with a speed limit of 20 mph along Nimitz Street. (Ord. 0-2008-82)**

Motion by Councilmember Moran; seconded by Mayor Pro Tem Alworth; motion carried 7-0 & approved as presented.

- O-2 Request that the City Council consider adopting an ordinance establishing a temporary construction speed limit of 35 m.p.h. on a stretch of roadway on New Copeland Road from Rieck Road south to Paluxy Drive, during construction of the City project. (Ord. 0-2008- 83)**

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Smith; motion carried 7-0 & approved as presented.

- O-3 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, by decreasing the speed limit from 55 mph to 45 mph on a portion of South Broadway Avenue from Heritage Drive north to Southtown Drive. (Ord. 0-2008- 84)**

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Caraway; motion carried 7-0 & approved as presented.

- O-4 Request that the City Council consider adopting an ordinance amending City Code Chapter 17, by establishing a new school speed zone with a speed limit of 30 mph for Robert E. Lee High School along Donnybrook Avenue. (Ord. 0-2008- 85)**

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Sanders; motion carried 7-0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to award Bid Number 08-027 for construction of 2008 Traffic Signal Improvements to Striping Technologies, Limited Partnership in the amount of \$450,306.00 ©**




Motion by Councilmember Moran; seconded by Councilmember Smith; motion carried 7-0 & approved as presented.

- M-2 Request that the City Council consider authorizing the City Manager to accept a donation of \$4,104.32 from the Piney Woods Regional Advisory Council Trauma Services Area G for the purchase of computer equipment to be placed at the Smith County Jail for the officers to access the internet to do the Driving While Intoxicated (DWI) reporting faster and more efficiently.**

Motion by Councilmember Smith; seconded by Mayor Pro Tem Alworth; motion carried 7-0 & approved as presented.

- M-3 Request that the City Council consider authorizing the City Manager to sign a “Letter of Engagement for Professional Audit Services” with Prothro, Wihelmi & Company, Partnership Limited Liability Company to perform the Fiscal Year 2007-2008 Annual Audit. ©**

Motion by Councilmember Smith; seconded by Councilmember Sanders; motion carried 7-0 & approved as presented.

-  **M-4 Request that the City Council consider approving a contract with Bob Matush Surveying in an amount not to exceed \$20,000.00 to survey the Extraterritorial Jurisdiction (ETJ) in order to determine the city limit boundaries for the cities of Bullard and Chandler relating to Tyler’s city limits. ©**

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Caraway; motion carried 7-0 & approved as presented.

- M-5 Request that the City Council consider approving the Subdivision of 6.191 acres on Lake Tyler East for the Development of East Shore Estates, Unit 14.**

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Smith; motion carried 7-0 & approved as presented.

- M-6 Request that the City Council consider authorizing the City Manager to execute the re-plat of Lots 43 and 44 in the South Hill Creek Subdivision Number 1 at Lake Tyler.**

Greg Morgan, Director of Utilities & Public Works – Stated that the property line between Lot 43 and Lot 44 in the South Hill Creek Subdivision No.1 at Lake Tyler was re-platted in 1972 as approved by the City Council on January 7, 1972, however, the revised plat was not submitted to Smith County for recording. The current lessee has requested that the plat be recorded so that the records at Smith County will be accurate. A new survey has been done and a new plat prepared reflecting the revised property line that has existed on the ground since 1972. Since the property is owned by the City of Tyler the plat must be signed by the City Manager prior to recording at Smith County.

Motion by Councilmember Simons; seconded by Mayor Pro Tem Alworth; motion carried 7-0 & approved as presented.

- M-7 Request that the City Council consider authorizing an expenditure for work performed to Well No. 3 to Layne – Texas, Incorporated in the amount of \$33,485.00.**

Motion by Councilmember Moran; seconded by Mayor Pro Tem Alworth; motion carried 7-0 & approved as presented.

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- M-8 Request that the City Council consider authorizing the City Manager to approve Change Order No. 1, in the amount of \$7,011.93 to the contract for Front Street Sidewalk Improvements from Shady Lane to Fenton Avenue, with Simon Traylor and Sons, Incorporated. ©**

Motion by Councilmember Sanders; seconded by Mayor Pro Tem Alworth; motion carried 7-0 & approved as presented.

- M-9 Request that the City Council consider the award of bids for the New Construction of two (2) single family dwellings.**

Motion by Councilmember Sanders; seconded by Councilmember Moran; motion carried 7-0 & 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).

- C-A-1 Request that the City Council consider authorizing the City Manager to advertise for bids the construction of drainage improvements for the West Mud Creek Tributary C-2 Project.**

- C-A-2 Request that the City Council consider authorizing the City Manager to advertise for bids for construction of drainage improvements to Blackfork Creek Tributary D1.1, North Broadway Avenue to East Queen Street.**

- C-A-3 Request that the City Council consider authorizing the City Manager to utilize the First Choice Cooperative for automotive and truck services in various categories and for the purchase of various automotive and truck parts for the Fiscal Year 2007-2008.**

- C-A-4 Request that the City Council consider authorizing an expenditure in the amount of \$11,685.00 to East Texas Roof Works for repairs to the Office Building roof at the Westside Wastewater Treatment Plant.**

- C-A-5 Request that the City Council consider authorizing an expenditure in the amount of \$15,297.00 to Poly Corr, Limited Liability Corporation for the purchase of a 12,150 gallon storage tank for the Lake Palestine Water Treatment Plant.**

- C-A-6 Request that the City Council consider authorizing the City Manager to award Bid Number 08-030 to Roll-Offs of America of Durant, Oklahoma to be the City's primary vendor for frontload containers with Wastequip of Dallas, Texas being the secondary vendor.**

- C-A-7 Request that the City Council consider authorizing the City Manager to award Bid Number 08-031 to Custom Manufacturing of Oklahoma City, Oklahoma for the annual contract for bathtub style roll off containers and Louisiana Container Company of Alexandria, Louisiana for standard roll off containers.**

- C-A-8 Request that the City Council consider ratifying the purchase of five rolloff containers from Roll-Offs of America of Durant, Oklahoma for a total purchase price of \$22,938.**
- C-A-9 Request that the City Council consider approving the reconciliation change order and releasing final payment and retainage for the Community Development Block Grant (CDBG) Curb and Gutter Improvements to Proyecto Rosalinda Area Phase 2 – Line Street, Tyler Bid No. 08-012, to Reynolds & Kay Limited in the amount of \$42,119.39.**

Motion by Councilmember Moran; seconded by Councilmember Caraway; motion carried 7-0 & approved as presented.

CITY MANAGER’S REPORT

- 1. Keep Tyler Beautiful Award tomorrow in Irving, Texas**
- 2. Japan Sister Cities come during Rose Festival, October 16 (5 days)**
- 3. Next City Council meeting is July 9th and will continue**
- 4. Mayor, Caraway & Mark go to Austin tomorrow to testify for tax credit project.**

RECESS FOR EXECUTIVE SESSION – City Council convened into Executive Session at 10:11 am (Caraway left)

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 Cascades and/or Western Rim developments
- pending or contemplated litigation involving Dennis Walker

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

-under section 551.087 “Economic Development” deliberation regarding the following:

Possible offer of financial or other incentive to a business prospect and to consider financial information about that prospect with which the City is conducting economic development negotiations that could lead to a development in Tyler

- under Section 551.072 “Real Estate”, deliberation regarding the following:

Discuss the purchase, exchange, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities and encouragement of private investment.

City Council reconvened from executive session at 11:12 am with no action taken.

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ADJOURNMENT

Motion by Mayor Pro Tem Alworth; seconded by Councilmember Sanders; motion carried 6-0 to adjourn the meeting at 11:12 am.

**BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:

CASSANDRA BRAGER, CITY CLERK