

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
MARCH 25, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, March 25, 2009 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Charles Alworth
Council Members:	Nathaniel Moran
	Donald Sanders
	Ralph Caraway
	Steve Smith
	Chris Simons

City Manager:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
Budget/Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
City Engineer:	Carter Delleney
City Police Chief:	Gary Swindle
Communications Director:	Susan Guthrie
Director of Parks and Recreation:	John Webb
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Internal Auditor:	Keidric Trimble
Director of Utilities & Public Works:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

ZONING

Z-1 Z03-09-016A DENNIS WALKER (713 South Confederate Avenue)



Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District on Lots 53 and 54 of NCB 665B, two lots totaling approximately .520 acres located one lot south of the southwest intersection of South Confederate Avenue and West Grove Street (713 South Confederate Avenue). (O-2009-21)

Motion by Councilman Sanders; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Z-2 Z02-09-010B DENNIS WALKER (720 S. Confederate Avenue)



Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District on Lot 69 of NCB 665B, one lot totaling approximately 0.263 acres located four lots south of the southeast intersection of South Confederate Avenue and Grove Street (720 South Confederate Avenue). (O-2009-22)

Motion by Councilman Sanders; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Z-3 Z03-09-017A DENNIS WALKER (1331 Border Avenue)



Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District on Lot 20 of NCB 390A, two lots totaling approximately .342 acres located one lot south of the southeast intersection of North Border Avenue and West Cedar Street (1331 Border Avenue). (O-2009-23)

Motion by Councilman Sanders; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Z-4 Z02-09-011B DENNIS WALKER (1020 Border Avenue)



Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District on Lot 4 of NCB 208, one lot totaling approximately 0.352 acres located three lots south of the southwest intersection of Border Avenue and West Queen Street (1020 Border Avenue). (O-2009-24)

Motion by Councilman Sanders; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Z-5 Z02-09-012B DENNIS WALKER (2612 Glass Avenue)



Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District on Lot 10 of NCB 501-O, one lot totaling approximately .177 acres located three lots north of the northwest intersection of Glass Avenue and West 27th Street (2612 Glass Avenue). (O-2009-25)

Motion by Councilman Sanders; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Z-6 Z02-09-013B DENNIS WALKER (631 South Englewood Avenue)



Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District on Lot 29B of NCB 665B, one lot totaling approximately 0.133 acres located three lots south of the southwest intersection of South Englewood Avenue and West Houston Street (631 South Englewood Avenue). (O-2009-26)

Motion by Councilman Sanders; seconded by Councilman Caraway; motion carried 7 - 0 & approved as presented.

Z-7 Z02-09-018A CITY OF TYLER



Request that the City Council consider changing the zoning from “R-1A”, Single-Family Residential District to “PCD”, Planned Commercial Development District, without final site plan approval, on Lot 1A of NCB 792, one lot totaling approximately 1.12 acres located at the northwest intersection of South Beckham Avenue and Troup Highway. (O-2009-27)

March 25, 2009

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

Z-8 Z02-09-005A CARTER BLOOD CARE

Request that the City Council consider changing the zoning from “R-MF”, Multi-Family Residential District to “RPO”, Restricted Professional Office District on Lot 11 of NCB 677F, one lot totaling approximately 1.48 acres located at the northwest intersection of South Baxter Avenue and Doctors Drive (815 South Baxter Avenue). (O-2009-28)

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

Z-9 APPLICATION S02-09-014B CARRIER CORPORATION

Request that the City Council consider a Special Use Permit on Lot 29C of NCB 852T, one lot totaling approximately 9.744 acres located at the southwest intersection of Robertson Road and John Carney Drive (2600 Robertson Road). The property is currently zoned “M-1”, Light Industrial District. (O-2009-29)

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

PRESENTATIONS

P-1 Request that the City Council consider approving the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2008, as presented by Prothro, Wilhelmi & Company, P.C.

Walter Wilhelmi, Prothro, Wilhelmi & Company, P.C.- presented the Comprehensive Annual Financial Report for the fiscal year ending on September 30, 2008.

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

P-2 Request that the City Council consider recognizing the City of Tyler as achieving GOLD status as a Heart and Stroke Healthy City from the Texas Council on Cardiovascular Disease and Stroke. Presentation by State; Mayor said will be a walk at downtown today to celebrate

P-3 Request that the City Council consider designating Rudolph Bergfeld as a Half Mile of History recipient.

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

RESOLUTION

R-1 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. (R-2009-6)

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

R-2 Request that the City Council consider adopting an Ordinance making an uncontestable finding that all territory included within the City of Tyler since March 25, 1989 is part of the City. (O-2009-30) (Should be listed under ordinances)

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

ORDINANCE

O-1 APPLICATION A03-09-019A BRIARWOOD DRIVE

Request that the City Council consider adopting an Ordinance providing for the annexation of six properties on Briarwood Drive. The proposed annexation area consists of territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, approximately 3.9 acres of land contained in the Briarwood Shadows Subdivision, located west of Loop 323 SSW approximately 1,420 feet southwest of the intersection of Briarwood Drive and Loop 323 SSW (4010, 4016, 4110, 4116, 4122 and 4128 Briarwood Drive). Also consider establishing: (O-2009-31) (to be effective June 22, 2009)

- 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 Land Use Guide to reflect Single Family Low Density Land Use.**
- E. Original zoning of 3.9 acres of "R-1A", Single Family**
- F. Residential District.**

Larry Meckley, 401 Sutherland – Asked that the Mayor not participate or express her opinion on this application because it may influence council one way or another.

Mayor Pro Tem Alworth asked if the effective date of this annexation would be about the same time as the Cascades and the school come into the city limits.

Barbara Holly, Director of Planning & Zoning - Stated, "Yes, the school may actually be effective earlier but this will be effective June 22nd and the Cascades will be before you before that time."

Mayor Pro Tem Alworth asked what will happen if that does not happen?

March 25, 2009

Barbara Holly, Director of Planning & Zoning – Stated that it will be an involuntary petition.

Gary Landers, City Attorney – Stated that there will either be a voluntary request for the remaining Cascades property in April or the City will begin involuntary annexation.

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



O-2 APPLICATION ZA03-09-001 UDC AMENDMENTS
Request that the City Council consider adopting an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by amending regulations relating to tree landscape requirements, and adding related definitions. (O-2009-32)

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

O-3 Request that the City Council consider adopting an Ordinance canceling the Northwest District, Place Three Election scheduled for May 9, 2009, and declaring the unopposed candidate for single Member District Three elected to office. (O-2009-33)

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

MISCELLANEOUS

M-1 Request that the City Council consider approving the reappointment of Dr. Jonathan MacClements, M.D., as the Health Authority for the Northeast Texas Public Health District, for a two-year term effective February 1, 2009 through January 31, 2011.

Motion by Mayor Pro Tem Alworth; seconded by Councilman Sanders; 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 ratifying the sale of one metal building and one paint booth, formerly part of Crown Auto Body Shop, located in the 600 block of Ferguson Street.

C-A-2 Request that the City Council consider awarding bid number 09-013 to Metal Buildings by McM to dismantle, transport, store and erect one metal building that is currently located in the 600 block of Ferguson Street.

C-A-3 Request that the City Council consider authorizing the City Manager to purchase two Ford Ranger Extended Cab Trucks for a total purchase of \$29,664.10.

March 25, 2009

C-A-4 Request that the City Council consider authorizing the City Manager to purchase one Ford F-650 Crew Cab Sewer Rodder Truck for \$107,474.00, and one Ford F-750 Truck Chassis for \$41,167.00.

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

APPOINTMENTS TO BOARDS

B-1 Request that the City Council consider making an appointment to the Construction Board of Adjustment and Appeals.

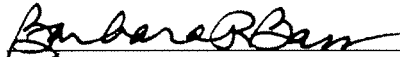
Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; to approve Thomas Moneta; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. Delegation went to N. Carolina and received re-accreditation for Tyler Police Department; Chief Swindle made additional comments about the process.
2. Pilot program in 3 areas of town for manual Solid Waste pick up, begin mid April 2009, goal is more automation and cost savings.
3. ½ Cent Prioritization Project status update, go to the ½ cent board in June and to CC in July.
4. Transit buses delivery, first one arrived yesterday, possible purchases using stimulus funding.

ADJOURNMENT

Motion by Mayor Pro Tem Alworth; seconded by Councilman Smith; to adjourn the meeting at 9:52 am; meeting adjourned motion carried 7 - 0.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

