

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
JUNE 24, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 24, 2009 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Donald Sanders
Councilmembers: Charles Alworth
Chris Simons
Ralph Caraway
Sam Mezayek

City Manager: 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
Chief Financial Officer: Daniel Crawford
City Engineer: Carter Delleney
City Fire Chief: Neal Franklin
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember.

ZONING

Z-1 APPLICATION A06-09-004 TEXAS DEPARTMENT OF PUBLIC SAFETY



Request that the City Council consider annexing sparsely populated and owner requested territory constituting approximately 6.451 acres of land contained in the William Keys Survey, A-3, Smith County, Texas, located one lot west of the northwest intersection of University Boulevard and County Road 272. (O-2009-71)

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 Land Use Guide to reflect Office Land Use; and the**
- E. Original zoning of 6.451 acres of "RPO", Restricted Professional Office District.**

Motion by Councilman Simons; seconded by Councilman Alworth; motion carried 6 - 0 & approved as presented.



Z-2 APPLICATION Z06-09-036 JESUS GAYTAN

Request that the City Council consider changing the zoning from “C-2”, General Commercial District to “DBAC”, Downtown Business, Arts, and Culture District on Lot 5 of NCB 104, one lot totaling approximately 0.166 acres located southwest of the intersection of Valentine Street and House Avenue (423 East Valentine Street).

(O-2009-72)

Motion by Councilman Caraway; seconded by Alworth; motion carried 6 - 0 & approved as presented.

Z-3 APPLICATION Z06-09-038 TYLER MUSEUM OF ART

Request that the City Council consider a final site plan approval of property zoned “PCD”, Planned Commercial District on Lot 1A of NCB 1441 and Lots 1, 2, and 4 of NCB 1539W, four lots totaling approximately 13.47 acres located at the southeast intersection of University Boulevard and Lazy Creek Drive (3504 Lazy Creek Drive). (O-2009-73)

Larry Hartley, 3225 University Blvd – Stated that the problem with this is that the property is located closer to his property than the Museum of Art building. On June 2nd a meeting was held with Yo Hakomori, Kim Tomio and Mike Butler to discuss location, sound and aesthetics. Various sites were discussed as alternates for this site and there were about four different sites that could have been used, but for various reasons were not conducive to what the Museum really wanted to achieve. Mr. Hartley stated that he would like to see this approved, welcomed the Museum to the neighborhood and wanted to be a very good neighbor and offer his assistance at any time.

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

Z-4 APPLICATION N06-09-001 BLUE RIDGE DRIVE

Request that the City Council consider a street name change of Blue Ridge Drive to Shore Crest Drive. The street begins at the intersection of Shore Crest Drive and continues east for 636 feet terminating into a cul-de-sac. (O-2009-74) Council Mezeyek property

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 5-0-1 & approved as presented.

Z-5 APPLICATION N06-09-002 NEW COPELAND ROAD



Request that the City Council consider a street name change from New Copeland Road to Grande Boulevard. The street name change begins at the north property line of Lot 4 of NCB 999 and continuing east to intersection of Paluxy Drive at Lot 2, NCB 1474 E. (O-2009-75)

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

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**Z-6 APPLICATION C06-09-003 NORTH BOIS D'ARC
(W. 26th Street to W. 28th Street)**



Request that the City Council consider closing a portion of North Bois D'Arc right-of-way beginning at the intersection of West 26th Street, continuing north to the intersection of West 28th Street. (O-2009-76)

Motion by Councilman Caraway; seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

PRESENTATIONS

P-1 Request that City Council receive a presentation on a proposal for the Bellwood Lake Master Plan.

Mark Priestner, Planning Concepts – Stated that Lake Bellwood provides one of the best water based recreation opportunities in the City of Tyler because it is in the City of Tyler. The downside for Bellwood Lake is the size, and when popularity increases and the development on the South side of the lake increases then it will be issues with power boats. Over the past months Planning Concepts has met with various stakeholder groups and gathered from those meetings that each stakeholder wanted to protect the lake. Everything that is done to the lake is to protect the water quality and make sure that it is protected because as development occurs around it, it will be the piece right in the middle of a heavy developed area that stays in a semi natural state. Mark Priestner asked City Council for a no weight zone on the lake, prohibit personal water craft and better access into the park.

Jan Wood, 4722 Comanche Trail – President of the East Texas Trakkers Walking Club – Stated that they are very interested in the trails not being concrete. She did not feel good about any concrete in the area. Mrs. Wood asked if the 4 miles of trails included the trails that are also on Cascades side, what's the distance of the trails on the Cascades side, and are these going to intersect with the Cascades trails?

Mark Priestner, Planning Concepts – Stated that the 4.25 miles does not include the section that comes up through the Cascades. This is the usable section that is open on the North side of the lake, which intersects with it as the loop comes down. It loops at the end and in the future will continue onto Lindsey Park.

Larry Meckley, 401 Sutherland – Stated putting concrete in this area is a safety issue because bikers go so fast.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the City Manager to participate on the Texas Utility/Oncor Steering. (R-2009- 19)

Motion by Councilman Alworth seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to enter into a Lake Use Agreement with All Saints School to construct certain piers, a boat launch, and necessary support facilities at Bellwood Lake for its present and/or future water based educational activities and programs. ©**

Councilman Alworth – Asked Greg Morgan if he would be the final authorization for the length, size and height of the piers?

Greg Morgan, Director of Utilities & Public Works - Stated that in the agreement the piers are limited to extending out into the lake not more than 20 feet. The final approval of construction plans and locations will rest with the Manager of Water Quality and Production.

Councilman Alworth - Stated that the City is not limiting the use of the lake just controlling the use of the lake.

Larry Meckley, 401 Sutherland- Stated that he is against the lake use agreement and it does not pass the smell test. The City Council on February 19, 2008 said the best use of this property was a city park and we the citizens want the Lake as a convenience for families and not upset the natural setting of plants and animals.

Motion by Councilman Simons; seconded by Councilman Alworth; motion carried 6 - 0 & approved as presented.

- M-2 Request that the City Council consider approving a professional services contract with J-Quad Planning Group, in the amount of \$51,840 for the provision of a Consolidated Plan for the Community Block Grant Program (CDBG) administered by the Neighborhood Services Department. ©**

Motion by Councilman Alworth seconded by Councilman Caraway; motion carried 6 - 0 & approved as presented.

- M-3 Request that the City Council consider authorizing the City Manager to execute a new Commercial Airline Lease with American Eagle Airlines, Incorporated. ©**

Motion by Councilman Alworth seconded by Councilman Mezayek; motion carried 6 - 0 & approved as presented.

- M-4 Request that the City Council consider authorizing the City Manager to sign a contract with TriStem Ltd. for Electric Utility Bill Audit Services. ©**

Motion by Councilman Caraway; seconded by Mayor Pro Tem Sanders; motion carried 6 - 0 & approved as presented.

- M-5 Request that the City Council consider authorizing the City Manager to approve the Reconciliation Change Order and release final payment in the amount of \$74,893.87 for**

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construction of aluminum clear well covers for the Golden Road Water Treatment Plant.

©

Motion by Councilman Alworth seconded by Councilman Mezayek; 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).

- C-A-1** Request that the City Council consider authorizing the City Manager to sign a Memorandum of Understanding with Smith County in order for the Sheriff's Office to make application for and accept the regular annual Edward Byrne Memorial Justice Assistance Grant (JAG) for the Year 2009 of which \$54,868.50 is the City of Tyler's portion. ©
- C-A-2** Request that the City Council consider authorizing the City Manager to execute a Right of Way Easement with the City of Whitehouse for the construction of a Ten (10) inch diameter sewer force main along Hill Creek Road, waiving the associated \$350.00 fee. ©
- C-A-3** Request that the City Council consider ratifying staff action in the approval of design services for the Briarwood Estates sewer lines and consider authorizing the City Manager to execute an extra services amendment in the amount of \$50,000 to Wisenbaker Fix and Associates for surveying and easement preparation for the Briarwood Estates sewer lines project.
- C-A-4** Request that the City Council consider approving the reconciliation change order in the amount of \$9,448.00 and releasing final retainage for the drainage improvements to West Mud Creek Tributary C-2 at Fair Lane, in the amount of \$40,352.40, to Hartbeat Construction. ©
- C-A-5** Request that the City Council consider approving the Reconciliation Change Order and release final retainage in the amount of \$20,412.89 to Striping Technology, Limited Partnership for the 2008 Traffic Signal Improvements. ©
- C-A-6** Request that the City Council consider ratifying staff action for the payment to The Hamptons at Pine Forest, L.P. in the amount of \$30,000.00 for the construction of a retaining wall located at 4250 Old Omen Road as part of the Old Omen Road construction project.
- C-A-7** Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way (ROW) use agreement and a temporary ROW use agreement with East Texas Medical Center (ETMC) on Hospital Drive for the placement of utilities in the City of Tyler ROW. ©

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- C-A-8** Request that the City Council consider ratifying staff action for entering into an agreement with Oncor Electric Delivery Company in the amount of \$36,550.00 to provide roadway safety lighting for currently developed areas of the Grande Boulevard road project. ©
- C-A-9** Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.
- C-A-10** Request that the City Council consider authorizing the City Manager to execute an Off-Site Car Rental Permit for Enterprise Leasing Company Southwest, d/b/a Enterprise Rent-A-Car, at Tyler Pounds Regional Airport. ©
- C-A-11** Request that the City Council consider authorizing the City Manager to enter into a lease agreement with Delek Refining for use of 4.956 acres of land for a Solid Waste Container Maintenance Facility. ©

Motion by Councilman Caraway to approve the entire consent agenda items; seconded by Councilman Alworth; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

- 1. Davis Dickson is now Airport & Transit Director**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:57 am

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

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

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

City Council reconvened from executive session at 10:15 am with no action taken from executive session.

ADJOURNMENT

Motion by Councilman Caraway to adjourn the meeting at 10:16 am; seconded by Councilman Mezayek; motion carried 6 - 0 & meeting adjourned.

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

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A T T E S T:

CASSANDRA BRAGER, CITY CLERK