

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
AUGUST 26, 2009**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 26, 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
Chief Financial Officer: Daniel Crawford
City Engineer: Carter Delleney
City Fire Chief: Neal Franklin
City Librarian: Chris Albertson
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Budget/Internal Auditor: Keidric Trimble
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.

ZONING



Z-1 APPLICATION Z08-09-042 DENNIS WALKER

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 582, one lot totaling approximately 0.12 acres located west of the southwest intersection of Jackson Street and Butler Avenue (2104 West Jackson Street). (O-2009-85)

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



Z-2 APPLICATION Z08-09-043 DENNIS WALKER

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 11 of NCB 683, one lot totaling approximately 0.15 acres located at the northwest intersection of West 27th Street and North Palace Avenue (809 West 27th Street). (O-2009-86)

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

Z-3 APPLICATION Z08-09-044 MELISSA DINGLE

Request that the City Council consider changing the zoning from “R-1A”, Single-Family Residential District to “RPO”, Professional Office District on Lot 12 of NCB 1032, one lot totaling approximately 0.30 acres located at the northeast intersection of Easy Street and East Southeast Loop 323 (1510 ESE Loop 323). (O-2009-87)

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

Z-4 F08-09-070 HOMESTEAD HOLLOW, PRELIMINARY PLAT

Request that the City Council consider waiver of escrow requirements for a substandard street and a future minor arterial south of the southwest intersection of County Road 495 and County Road 494.

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

PRESENTATIONS



P-1 Request that the City Council consider designating Camp Fannin as a Half Mile of History recipient.

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

PUBLIC HEARINGS



H-1 Request that the City Council consider conducting a public hearing on the proposed fiscal year 2009-2010 Budget and on the proposed property tax rate of \$0.204000 per \$100 of taxable property value.

Larry Meckley, 401 Sutherland – Stated that the overall budget was good but thought that pay raises at the expense of laying off employees was not a good idea. Mr. Meckley stated that the City should use same travel voucher system as TISD.

ORDINANCE

O-1 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 preservation and clarifying regulations related to the maintenance and protection of public trees located on City property, including parks, rights-of-way and easements, to qualify for Tree City USA designation. (O-2009-88)

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

MISCELLANEOUS



M-1 Request that the City Council discuss and consider action on the Half Cent Capital Improvement Program (CIP) prioritization project and related 10-year CIP.

Kevin Johnson, Freese and Nichols – Gave a brief presentation of the project scope of service:

- Prioritization of project list, review of funding limitations, ranking of projects based on technical merit, and development of proposed 10-year CIP.
- Preparation of schedules for the projects and the implementation of the CIP and presentation of proposed 10-year CIP for City Council consideration.
- Preparation of a final bound document for the CIP, including methodologies, ranking system and project prioritization listing.
- Submission of a database for on-going use by City.

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

M-2 Request that the City Council consider reviewing and approving the attached Smith County 911 District Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010.

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



M-3 Request that the City Council consider authorizing the City Manager to approve an amendment to the contract with consultant Bucher, Willis and Ratliff to update the Metropolitan Transportation Plan. ©

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

CONSENT

(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 awarding the bids for the rehabilitation of two single-family dwelling units at 1101 N. Confederate and 1115 N. Englewood to Lee's Construction in the amounts of \$34,960 and \$24,750.

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C-A-2 Request that the City Council consider ratifying staff action for the purchase of 4.4 wetlands credits at a cost of \$88,000 (\$20,000 per credit) from Sabal Wetland Preserve Mitigation Bank for the North Tyler Water and Sewer Improvements project.



C-A-3 Request that the City Council consider ratifying the emergency purchase of 500 gallons of Aquathol for the herbicide treatment of approximately 22.2 acres on Lake Tyler East, in the amount of \$29,100 to Aquatic Management Services.



C-A-4 Request that the City Council consider ratifying staff action for payment to Landmark Title Company in the amount of \$40,951.00 for acquisition of right-of-way for Lake Placid Road.

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making new appointments and reappointments to the Construction Board of Adjustment and Appeals; Historical Preservation Board; Keep Tyler Beautiful Board; Northeast Texas Public Health District Board; Park Board; Planning and Zoning Board; and the Traffic Safety Board.

Construction Board of Adjustment and Appeals

Councilman Simons made the motion; seconded by Councilman Mezayek; motion carried 6-0 to reappoint the following board members:

**Timothy Hunt
Thomas Moneta
Rhamy Morrison
Ernest Phillips
John Nix**

Defer naming a chair to the next meeting

Historical Preservation Board

Councilman Mezayek made the motion; seconded by Councilman Caraway; motion carried 6-0 to reappoint the following board members:

**Dorothy Franks
Mike Patterson**

Councilman Mezayek made the motion; seconded by Councilman Caraway; motion carried 6-0 to appoint the following board members:

W. Bryan Campbell

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Mayor Bass made the motion; seconded by Councilman Alworth; motion carried 6-0 to appoint **Mike Patterson** as chairman

Keep Tyler Beautiful Board

Councilman Alworth made the motion; seconded by Councilman Mezayek; motion carried 6-0 to reappoint the following board members:

**Marjorie Mustard
Cheryl Roy
Susan Lucido
Ruth Wofford**

Councilman Alworth made the motion; seconded by Councilman Mezayek; motion carried 6-0 to appoint the following board members:

**Sharon Guthrie
Jessica Hall
Kelly Swindell**

Northeast Texas Public Health District Board

Mayor Pro Tem Sanders made the motion to table this item; seconded by Councilman Caraway; motion carried 6-0 to table this item to next meeting.

Park Board

Councilman Alworth made the motion; seconded by Councilman Caraway; motion carried 6-0 to reappoint the following board members:

**John Adkins
Jennifer Carson
Sunny Davidson
Linda Resnik**

Councilman Alworth made the motion; seconded by Councilman Caraway; motion carried 6-0 to appoint the following board members:

William “Bill” McKenzie

Councilman Mezayek made the motion; seconded by Councilman Alworth; motion carried 6-0 to appoint **Walter Wilhelmi** as chairman

Planning and Zoning Board

Councilman Mezayek made the motion; seconded by Mayor Pro Tem Sanders; motion carried 6-0 to reappoint the following board members:

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**Bret Berry
R.C. Curtis
Aubrey Sharpe
Mark Whatley**

Councilman Mezayek made the motion; seconded by Councilman Simons; motion carried 6-0 to appoint **R. C. Curtis** as chairman

Traffic Safety Board

Councilman Alworth made the motion; seconded by Councilman Mezayek; motion carried 6-0 to reappoint the following board members:

**Donn Rust
George (Butch) Willingham**

Councilman Alworth made the motion; seconded by Councilman Mezayeks; motion carried 6-0 to appoint the following board members:

Kevan Kirksey

Councilman Alworth made the motion; seconded by Councilman Mezayek; motion carried 6-0 to appoint **George Willingham** as chairman

CITY MANAGER'S REPORT

1. **54th Annual Water School in Tyler, over 300 attendees**
2. **Solid Waste ran pilot program w/automated truck, not work in Tyler, return to regular service**
3. **Healthfirst gave over 1,500 shots last week as schools reopened**
4. **Grande 2A schedule update, ribbon cutting 9-14-09**
5. **Mainstreet Offices & Gallery open this Friday 8-28-09 @ 6:00 pm**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:01 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:

Pending or contemplated litigation involving development around Lake Bellwood

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 551.072 "Real Estate", deliberation regarding the following:

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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 10:24 am with the following action being taken.

Councilman Alworth made the motion to authorize City Manager to enter into an agreement with Western Rim and issue needed permits as all technical, legal, and financial requirements are met as per the agreement; seconded by Mayor Pro Tem Sanders; motion carried 6-0 and approved as presented.

ADJOURNMENT

Motion by Councilman Caraway to adjourn the meeting at 10:24 am; seconded by Councilman Mezayek; motion carried 6 - 0 & meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK