

CITY COUNCIL AGENDA

**Wednesday, August 25, 2010
9:00 a.m.**



**Barbara Bass, Mayor
Sam Mezayek, District 1
Donald Sanders, District 2
Ralph Caraway, District 3
Martin Heines, District 4
Mark Whatley, District 5
Jason Wright, District 6**



CITY COUNCIL MEETING AGENDA

CITY COUNCIL CHAMBERS - CITY HALL
212 North Bonner
Tyler, Texas 75702
Wednesday, August 25, 2010
9:00 a.m.

Internet website <http://www.cityoftyler.org> and Cable Access Channel 3

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to assure that City Council Meetings are accessible to disabled persons. If any special assistance or accommodations are needed in order to attend a City Council meeting, please contact the City Manager's Office at 903.531.1250, in advance so accommodations can be made.

COURTESY RULES

Thank you for your presence. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you wish to address the Council, obtain a speaker card from the receptionist's desk outside the Council Chambers, complete the information requested on the card, and deliver to the City Clerk before the meeting or as soon as you can. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Delay or interruption of the proceedings will not be tolerated.

Icon Legend

 Business and Economy	 North End Revitalization
 Downtown Master Plan	 Parks, Open Spaces, Recreation and Lakes
 Future Land Use	 Public Facilities and Services
 Historic Preservation	 Transportation and Circulation
 Housing, Neighborhoods and Community Identity	 Tyler 21 Plan

INVOCATION

PLEDGE OF ALLEGIANCE

MINUTES

A. Minutes 08 11 2010

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

We would like to recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. These employees represent over **50-years** of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
8/16/1985	David	Admire, Sr.	Fire/Driver/ Engineer IV	Fire	25
8/16/1985	Mickey	Haisten	Fire Captain IV	Fire	25

A-2 Request that the City Council consider recognizing Deputy City Attorney, Steven Kean for receiving Statewide Recognition at the Summer Texas City Attorney’s Association (TCAA) Bi-Annual Meeting as the Galen Sparks Award recipient for sustained contributions to the profession.

A-3 Request that the City Council consider accepting recognition for its involvement of the 2010 United State Census from the United States Census Bureau.

ZONING

Z-1 APPLICATION C07-10-010 STUART REEVES (IMPROVED ALLEY)

Request that the City Council consider closing an improved alley connecting West Erwin Street and West Elm Street.

Z-2 APPLICATION Z07-10-053 HEATH HENRY (2124 AND 2130 HAVERHILL DRIVE)

Request that the City Council consider changing the zoning from “R-1B”, Single-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District.

Z-3 APPLICATION Z07-10-054 BOBBY STRICKLAND (1505 EAST GRANDE BOULDEVARD AND 6301 CIRCLE DRIVE)

Request that the City Council consider a zoning change from “AG”, Agricultural District to “C-1”, Light Commercial District and “RPO”, Restricted Professional Office District.

Z-4 APPLICATION Z08-10-058 CARMEN PEREZ (214 SOUTH THOMPSON AVENUE)

Request that the City Council consider changing the zoning from “R-MF”, Multi-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District.

Z-5 APPLICATION Z08-10-061 STANGER PROPERTIES (1595 EAST GRANDE BOULEVARD)

Request that the City Council consider changing the zoning from "AG", Agricultural District to "C-2", General Commercial District.

Z-6 APPLICATION Z08-10-062 HARRIS LEGACY (1582 EAST GRANDE BOULEVARD)

Request that the City Council consider changing the zoning from "RPO", Restricted Professional Office District to "C-2", General Commercial District.

Z-7 APPLICATION Z08-10-063 JUDI'S CARRIER (8336 PALUXY DRIVE)

Request that the City Council consider changing the zoning from "AG", Agricultural District to "C-1", Light Commercial District.

Z-8 APPLICATION Z08-10-065 SIMON PROPERTY GROUP (4601 SOUTH BROADWAY AVENUE)

Request that the City Council consider approving a site plan amendment on Lot 2B of NCB 1293 totaling approximately 46.17 acres of land located at the southeast intersection of Old Bullard Road and West Southwest Loop 323 (4601 South Broadway).

Z-9 APPLICATION Z08-10-066 GLEN McDOWELL (3217 LIBBIE STREET)

Request that the City Council consider changing the zoning from "R-1A", Single-Family Residential District to "AR", Adaptive Reuse District.

PUBLIC HEARINGS

H-1 Request that the City Council consider conducting a public hearing on the proposed fiscal year 2010-2011 Budget and on the proposed property tax rate of \$0.208865 per \$100 of taxable property value.



H-2 TYLER PARTICIPATION IN TEXAS ENTERPRISE ZONE PROGRAM

Request that the City Council Hold a public hearing on Tyler's continued participation in the Texas Enterprise Zone Program and consider approving an Ordinance authorizing continued participation in the Texas Enterprise Zone Program with some incentive tool changes.

RESOLUTION



R-1 TRANE US, INC.

Request that the City Council consider nominating this project to the Governor's Office of Economic Development and Tourism, which is a procedural step required under the Enterprise Zone Act.



R-2 UNIVERSAL CABLE HOLDINGS, INC (SUDDENLINK)

Request that the City Council consider nominating this project to the Governor's Office of Economic Development and Tourism, which is a procedural step required under the Enterprise Zone Act.

ORDINANCE

- O-1** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 4 to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products or derivatives, chemical compounds applied to plants, and plant products and their derivatives or other substances, that mimic the effects produced by smoking marijuana, and ingestion devices used in connection with the illegal smoking products, providing for certain exceptions, and establishing a \$2,000.00 fine for violations.

MISCELLANEOUS



- M-1** Request that the City Council consider approving the 2010-2040 Tyler Parks, Recreation and Open Space Master Plan and approving the required Texas Parks and Wildlife Resolution accepting the Plan.

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 authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Tyler Junior College for the placement of a conduit for fiber optic communications under Lake Street, Mahon Avenue and Apache Pass in the City of Tyler right-of-way.
- C-A-2** Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Tyler Junior College for the placement of a conduit for fiber optic communications under Blackwell Avenue and East Devine in the City of Tyler right-of-way.
- C-A-3** Request that the City Council consider authorizing the City Manager to award a Professional Services Contract to the firm of Aerostar Environmental Services, Inc., for a Wildlife Hazard Assessment at Tyler Pounds Regional Airport for a fee of \$74,520, and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$3,726.
- C-A-4** Request that the City Council consider authorizing the City Manager to execute Work Order No. 13 for engineering services with Wisenbaker, Fix and Associates for the 2011 Security Fencing Improvements Project at Tyler Pounds Regional Airport in an amount not to exceed \$150,318, and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$7,515.90.
- C-A-5** Request that the City Council consider ratifying the application for TxDOT State/Local Urban Public Transportation Fiscal Year 2011 Project Grant Agreement No. URB 1101(10) in the amount of \$288,914 and any grant amendments to increase the grant amount for the purpose of providing public transportation for the City of Tyler.

BOARD APPOINTMENTS

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

CITY MANAGER'S REPORT

RECESS FOR EXECUTIVE SESSION

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. **Appeal of Condemnation & TCEQ docket involving TTUC (Algonquin)**

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

ADJOURNMENT