

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
August 23, 2006**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 23, 2006 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Joey Seeber
Mayor Pro Tem: Steve Smith
Council Members: Nathaniel Moran
Donald Sanders
Derrick Choice
Chris Simons
Charles Alworth

City Manager: Bob Turner
Deputy City Manager: Mark McDaniel
City Attorney: Gary Landers
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Business Service Manager: Renissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Dan Peden
City Police Chief: Gary Swindle
Director of Parks and Recreation: John Webb
Director of Planning and Zoning: Stephanie Rollings
Director of Solid Waste: Dan Brotton
Manager/Water Utilities Business Office: Joan Roberson
Operations Manager: Greg Morgan
Traffic Engineer: Kirk Houser
Tyler Transit: Norman Schneck
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Choice.

Mayor Joey Seeber read proclamation for Fire Fighters Combat.

PUBLIC HEARINGS

H-1 Request that the City Council conduct a public hearing on the proposed fiscal year 2006-2007 Budget and conduct a public hearing on the proposed property tax rate of \$.223657 per one hundred dollars of taxable value.

Destry Walsworth, President of the Tyler Patrolman Association – Stated that the City Council has encouraged the employees of Tyler to think outside the box and that gives the employees some ownership of what's going on in Tyler. Looking at the budget of 2006-2007 the City Council has tried to attempt to take care of the employees of Tyler and at the same

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time take care of the citizens of Tyler. The Police Department has the best technology in place so that they can handle crime in the best possible way. On behalf of the Tyler Patrolman Association, we thank you for your support, dedication to the citizens of Tyler, and the Police Department.

Jeff Callaway, President of the Fraternal Order of Police – Stated that he echoed the statements made by Sergeant Walsworth and sincerely wanted to thank the City Council for what they have done for them over the last decade.

Larry Meckley – Asked the City to buy back the land that was given to the Cascades for \$5,000.00 an acre on Lake Bellwood. Mr. Meckley recommended that the City take the 1 million dollars out the Lake Tyler oil and gas account and fix the hydrilla, instead of taxing the citizens.

Mayor Pro Tem Smith- Stated that all the decisions made are a cooperative effort it's just not Mayor Seeber, all Councilmen have an equal vote. The City will not spend the oil and gas account money for expense type items. When that account was set up it was established that that money would be used for capital improvements.

ZONING ITEMS

Z-1 APPLICATION Z05-06-037A EAST POINTE HOLDINGS, INC./ EAST TEXAS SECOND CHANCE, INC.

Request that the City Council consider a request to change the zoning “R-3” Multi-Family Residential District to “C-2” General Commercial District on Lot 3 of NCB 1402, one lot totaling 3.92± acres located 696± feet east of the intersection of SSE Loop 323 and Highway 31 East, fronting 417± feet along the north side of Highway 31 East (2902 Highway 31 East). *Withdrawn*

Z-2 APPLICATION Z08-06-069A PAMELA CRAVENS

Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to ~~“C-1”~~ “RPO” Light Commercial District on Lot 14 of NCB 1249, one lot totaling .32± acres located 80.17± feet north of the intersection of NNW Loop 323 and Woodhue Drive, fronting 87.22± feet along the west side of NNW Loop 323 with a maximum depth of 155.22± feet (506 NNW Loop 323). *(Ord. No. 2006-72)*

Councilman Choice made the motion to change to RPO; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

Z-3 APPLICATION Z08-06-070A BURKS, WALKER, TIPPIT, INC.

Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to “C-1” Light Commercial District on Lot 2K of NCB 1546-E, two lots totaling 12.22± acres located 313± feet south of the intersection of South Broadway Avenue and Heritage Drive, fronting 412± feet along the west side of South

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Broadway Avenue with a maximum depth of 1254.17± feet (7715 South Broadway Avenue). (Ord. No. 2006-72)

Councilman Simons made the motion; seconded by Councilman Moran; motion carried 7-0; approved as presented.

Z-4 APPLICATION Z08-06-071A JOYCE MILTON

Request that the City Council consider a request to change the zoning from “R-4” Multi-Family Residential District to “R-1B” Single-Family Residential District on Lots 3, 4, and 5 of NCB 351, 3 lots totaling .575± acres located 119.57± feet east of the intersection of Paul Street and Ross Avenue, fronting 180.26± feet along the south side of Paul Street with a maximum depth of 140± feet (1110 Paul Street). (Ord. No. 2006-72)

Mayor Pro Tem Smith made the motion; seconded by Councilman Sanders; motion carried 7-0; approved as presented.

Z-5 APPLICATION Z08-06-072A MIKE MILLING

Request that the City Council consider a request to change the zoning from “C-2” General Commercial District to “R-1A” Single-Family Residential District on Lot 13 of NCB 196, one lot totaling .342± acres located 198.68± feet east of the intersection of Bow Street and Palace Avenue, fronting 123.75± feet along the south side of Bow Street with a maximum depth of 120± feet (808 West Bow Street). (Ord. No. 2006-72)

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0; approved as presented.

Z-6 APPLICATION Z08-06-074A ADELINE LIKES

Request that the City Council consider a request to change the zoning from “R-1C” Single Family Residential District to “AR” Adaptive Reuse District on Lots 7 and 18 of NCB 279, two (2) lots totaling .65± acres located 145.50± feet west of the intersection of Dobbs Street and South Broadway Avenue, fronting 160± feet along the south side of Dobbs Street with a maximum depth of 174.50± feet (118 West Dobbs Street). (Ord. No. 2006-72)

Mike Butler, 842 S. College – Stated that he had protested the project earlier but after talking to the owner of the property he feels that there has to be a lot of trust if this goes through, but felt as long as Mrs. Likes and her representatives follow through with the deed restrictions and set it up that way, then it would be good to have them as neighbors there.

Councilman Simons – Thanked the citizens in that area for working together with Mr. Rockett.

Councilman Moran – Stated that the City Council does not have the authority to enforce the deed restrictions; that is a voluntary agreement between the parties. Councilman Moran stated that it takes some control out of the Council’s arena on how development occurs and Council will need to look at ways to alleviate the situation in the future, specifically when it makes reference to the need to create a special use permit.

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Councilman Simons made the motion to approve the appeal subject to ensuring deed restrictions are included in the deed of sale; seconded by Councilman Alworth; motion carried 7-0; approved.

- Z-7 APPLICATION Z07-06-068B GEAUX/CUMBERLAND GAP JOINT VENTURE**
Request that the City Council consider a request to change the zoning from “AG” Agriculture District to “PMF” Planned Multi-Family Residential District with final site development plan approval on Lot 1 of NCB 1539M, 10 lots totaling 28.56± acres located 800± feet east of the intersection of the proposed Beddingfield Road and the proposed Elk River Road, extending 402± feet north, extending 620± feet south, and extending 280± feet east. *(Ord. No. 2006-73)*
Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

RESOLUTIONS

- R-1 Request that the City Council consider approving a Resolution supporting the formation of Smith County Emergency Services District Number 2. *(Res. No. R-2006-19)***

Gary Landers, City Attorney – Stated that law provides that the inhabitants of a specified area can vote in an election to create a special taxing entity called an Emergency Services District. Some years ago that action was taken by those voters within the area served by the Lindale Volunteer Fire Department. Now all of the remaining volunteer fire districts in Smith County have joined together to request that a county-wide election be held. The area inside the Tyler City limits is excluded, but Tyler’s Extra-Territorial Jurisdiction (ETJ) would be included. However, in order for the ETJ area to be included, the City Council must approve that election.

Gary Jackson – Spoke in favor of the resolution.

Councilman Alworth made the motion; seconded by Councilman Simons; motion carried 7-0; approved as presented.

ORDINANCES

- O-1 Request that the City Council consider a request by the City of Tyler to adopt an Ordinance that would change the name of a section of Skidmore Lane to Centennial Parkway. The affected portion will include a section of Skidmore Lane beginning at a point intersecting north of the new Loop 49 corridor, extending 1731± feet northeast, intersecting again with Cherokee Trail and extending 2730± feet east, and stopping at a point where Skidmore Lane makes a 90 degree turn to the north, which is adjacent to Lot 12 of Block 6 (1510 Skidmore Lane). *(Ord. No. 2006-74)***

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Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

- O-2 Request that the City Council consider a request by the City of Tyler to adopt an Ordinance that would change the name of a section of Skidmore Lane to Marsh Farm Road. The affected portion will include a section of Skidmore Lane beginning at a point intersecting south of the new Loop 49 corridor, extending 789± feet south, intersecting again with Old Mill Run and extending 2597± feet west, and stopping at the South Broadway intersection. (Ord. No. 2006-75)**

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 7-0; approved as presented.

- O-3 Request that the City Council consider adopting an Ordinance to amend the Community Development Block Grant (CDBG) Program 2003-2004, 2004-2005, and 2005-2006 Action Plans and approve the reprogramming of funds. (Ord. No. 2006-76)**

Councilman Moran made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0; approved as presented.

CONSENT AGENDA

(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 designating the Alpha Kappa Alpha Service Building, located at 1400 W. Lollar Street, Tyler, Texas, as a Tyler Historic Landmark, recognizing its historic status as the former Ella Reid Public Library, and recognizing its historic status as the former Tyler Negro Public Library.**
- C-A-2 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2006 Slurry Seal Program, Capital Improvement Project Number 06-03-433-0808, to the low bidder, East Texas Paving, in the base bid amount of \$87,490 and to include the additive alternate bid streets up to the maximum budgeted amount of \$110,000.00. ©**
- C-A-3 Request that the City Council consider approving the Reconciliation Change Order and authorize final payment to Longview Bridge and Road, Ltd. for the Grande Boulevard Phase 1 project in the amount of \$60,075.52. ©**
- C-A-4 Request City Council consider authorizing the City Manager to award a contract, in the amount of \$98,123.24, to Agtoprof, Incorporated for the construction of the Boldt Avenue Parking Lot Improvements at Golden Road Park. ©**

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- C-A-5** Request that the City Council consider authorizing the City Manager to execute a contract as presented with MHS Planning and Design of Tyler, for master planning services of the LeGrand Gardens for the City of Tyler. ©
- C-A-6** Request that the City Council consider awarding the contract for a bagwall to control creek erosion at 2623 S. Chilton to the sole bidder - Taylor Retaining Wall Systems, in the amount of \$24,979.50. ©
- C-A-7** Request that the City Council consider authorizing the City Manager to purchase 1 Full Size Extended Cab 1/2 Ton Truck from the low bidder Columbus Country Ford, of Columbus, Texas in the amount of \$14,726.00.
- C-A-8** Request that the City Council consider authorizing the City Manager to award a bid in the amount of \$12,197 to Southwest Floor for the re-carpeting of a portion of the first floor of the Tyler Public Library.
- C-A-9** Request that the City Council consider authorizing the City Manager to execute an agreement for professional services with Freese and Nichols, Incorporated for the development of an intelligent traffic system for adaptive controls on the South Broadway corridor. ©
- C-A-10** Request that the City Council consider authorizing the City Manager to execute a grant agreement with the Federal Transit Administration for a special earmark grant in the amount of \$339,806 for Public Transit Management. ©

Councilman Moran made the motion to approve the entire consent agenda; seconded by Mayor Pro Tem Smith; motion carried 7-0; approved as presented.

APPOINTMENTS TO BOARDS

- B-1** Request that the City Council consider appointments or reappointments to various City Boards

AIRPORT ADVISORY BOARD

Councilman Alworth made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to reappoint the following board member:

Sharon Kay Howell

Councilman Alworth made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to appoint the following Board Members:

**Lt. Col. Douglas G. Shryock
David I. Jones**

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Councilman Choice made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to appoint **Robert Campbell** as chairman.

BOARD OF ADJUSTMENT

Councilman Alworth made the motion; seconded by Councilman Simons; motion carried 7-0 to reappoint the following Board Member:

John A. Traweek

Councilman Alworth made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint the following Board Member:

Bill Keldorf

CIVIL SERVICE COMMISSION

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to reappoint the following Board Member:

Kathy Comer

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to reappoint the following Board Member:

Kim Hawkins

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following Board Member:

Ernest C. Phillips

DISABILITY ISSUES REVIEW BOARD

Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 7-0 to reappoint the following Board Member:

Jacqueline Fowler

Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following Board Members:

**Alice Gervais
Tracy Howard Stone
Jodie R. Ward**

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Valerie Holcomb

TYLER HEALTH FACILITIES DEVELOPMENT CORPORATION BOARD OF DIRECTORS

Councilman Moran made the motion; seconded by Councilman Simons; motion carried 7-0 to reappoint the following Board Members:

Sam L. Wolf
Herbert Buie

Councilman Moran made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint the following Board Members:

Tim Alexander
Blake Stowe
Larry Bolton
R. Daniel King

TYLER HISTORICAL PRESERVATION BOARD

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to reappoint the following Board Members:

Mary Ruth Greenwell
N. Dian Mullins-Floyd
George Ann Reed
Norman M. Werner

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following Board Member:

Michael C. Williamson

INDUSTRIAL DEVELOPMENT CORPORATION

Councilman Alworth made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to appoint the following Board Members:

Larry Goddard
Valita F. Waits
Donn Rust

TYLER PUBLIC LIBRARY BOARD

Councilman Alworth made the motion; seconded by Councilman Simons; motion carried 7-0 to reappoint the following Board Members:

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**Diane Rhodes
Ora Adams**

Councilman Alworth made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint the following Board Member:

Alesha L. Williams

Councilman Alworth made the motion; seconded by Councilman Moran; motion carried 7-0 to appoint **Diane Rhodes** as chairman.

KEEP TYLER BEAUTIFUL BOARD

Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 7-0 to reappoint the following Board Member:

Eloise Muxworthy

Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 7-0 to appoint the following Board Members:

**Sarah Coats
Tony Hernandez**

NEIGHBORHOOD REVITALIZATION BOARD

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0 to reappoint the following Board Members:

**Angela L. Rowell
Anne Payne
John Barnett**

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0 to appoint the following Board Member:

Stanley Cofer

PARK BOARD

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 7-0 to reappoint the following Board Members:

**Michael Romines
Michael Lewis**

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Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 7-0 to appoint the following Board Members:

Betty Jean Street
Wes Volberding

Councilman Choice made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to appoint **Jennifer Ware Myles** as chairman.

PLANNING & ZONING BOARD

Councilman Moran made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to reappoint the following Board Members:

Loretta Keldorf
David Hudson

Councilman Moran made the motion; seconded by Mayor Pro Tem Smith; motion carried 7-0 to appoint the following Board Member:

Jesse Rider

NORTHEAST TEXAS PUBLIC HEALTH DISTRICT BOARD

Mayor Pro Tem Smith made the motion; seconded by Councilman Simons; motion carried 7-0 to appoint the following Board Member:

James A. Hartung

TRAFFIC SAFETY BOARD

Councilman Alworth made the motion; seconded by Mayor Pro Tem Choice; motion carried 7-0 to reappoint the following Board Members:

Clyde Sanders
Wilburn Criss
Andy Guinn

Councilman Alworth made the motion; seconded by Mayor Pro Tem Choice; motion carried 7-0 to appoint the following Board Members:

David Williams

TYLER ONE HALF CENT SALES TAX CORP BOARD OF DIRECTORS

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0 to reappoint the following Board Members:

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John Mustard
Bennie Webster
Laura Corbett

CITY MANAGER'S REPORT

I. Movies in Park begin 9/9/06 at 8:00 p.m.

RECESS FOR EXECUTIVE SESSION City Council convened into executive session at 10:35 a.m.

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

-under section 551.074 "Personnel matters" deliberation regarding the following:

Consider the evaluation and compensation of the City Manager ***(Overwhelmingly positive comments about performance of City Manager and City. Been over 1 ½ years since last salary increase during which time other employees have been eligible for 2 3% raises. Approved 7:0 to amend contract to raise salary to \$155,000 and go to annual evaluations.)***

City Council reconvened from executive session at 11:05 a.m.

ADJOURNMENT

Mayor Pro Tem Smith made the motion to adjourn the meeting at 11:10 a.m.; seconded by Councilman Sanders; motion carried 7-0; meeting adjourned.

**JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS**

A T T E S T:

CASSANDRA BRAGER, CITY CLERK