

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 10, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 10, 2007 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 (absent)
Derrick Choice
Chris Simons
Charles Alworth

City Manager: Bob Turner
Deputy City Manager: Mark McDaniel
City Attorney: Gary Landers
Business Service Manager: ReNissa Wade
Development Services Engineer: Michael Wilson
Capital /City Projects Coordinator: Bill Ward
City Engineer: Dan Peden
City Fire Chief: Neal Franklin
City Police Chief: Gary Swindle
Communications/Media Services Coordinator: Laura Krantz
Director of Parks and Recreation: John Webb
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Manager of Water Quality and Production: Mitch Marable
Manager/Water Utilities Business Office: Joan Roberson
Operations Manager: Greg Morgan
Traffic Engineer: Kirk Houser
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Smith.

Mayor Pro Tem Smith made the motion to approve the minutes for the September 27, 2006 and October 11, 2006 City Council meetings; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Mayor Seeber read a proclamation in honor of Councilman Alworth's mother, Kathleen Alworth who turned 100 years old today.

AWARDS

A-1 Employee Service Awards

Retiree

Bruce A. Messer

June 1, 1978 to November 28, 2006

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Bruce A. Messer went to work for the City of Tyler on June 1, 1978 as a Firefighter in the Fire Department. We are pleased to present Bruce with a Certificate of Retirement for his years of service with the City of Tyler.

Darrell W. Poole

April 16, 1975 to December 16, 2006

Darrell W. Poole went to work for the City of Tyler on April 16, 1975 as a Fireman in the Fire Department. He was promoted to Driver in 1979. In 1998, he was promoted to Fire Captain. We are pleased to present Darrell with a Certificate of Retirement for his years of service with the City of Tyler.

25 years

Robert L. Page

December 7, 1981 to December 7, 2006

Robert L. Page went to work for the City of Tyler on December 7, 1981 as a Truck Driver in the Street Department. On February 15, 1982 he was promoted to Equipment Operator II. Robert filled the position of Crew Forman on June 1, 1983. On October 1, 1986 his title changed to Foreman II. Robert was promoted to Street Surface Technician on October 1, 2000, the position he now holds. We are pleased to present Robert with a 25 year service pin for his many years of service with the City of Tyler.

These employees represent over 84 years of service with the City of Tyler.

A-2 The following employees were hired by the City of Tyler during the month of December 2006.

We would like to take this opportunity to welcome these new employees.

Nancy Seaton	PS Telecommunicator II	Police
Tony Hubbard	Laborer	Storm Water Management
Conan Coombs	Airport Technician II	Airport
Taylor Rogers	Data Management Specialist I	Police
Eunice Fulford	Semi-Skilled Laborer	Storm Water Management
Lisa Osbourn	Clerical Specialist	City Manager
Bobbie Plymail	Data Management Specialist I	Police
Valerie Sellers	Accounting Technician	Administrative Services

ZONING

Z-1 APPLICATION Z11-06-125B LARRY RHODES

Request that the City Council consider a request to change the zoning from “R-2” Two-Family Residential District (Duplex) to “R-1B” Single-Family Residential District on Lot 123 of NCB 665A, one lot totaling approximately .24 acres located west of the intersection of Connally Street and Glenwood Boulevard (1200 Connally Street). (0-2007-1)

Councilman Moran made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-2 APPLICATION S11-06-124B JONAS AND APRIL SMITH

Request that the City Council consider a request for the renewal of a Special Use Permit (S10-05-083) to allow for the continued operation of a one chair nail salon for a period of five (5) years on Lot 70A of NCB 657, one lot located east of the intersection of Mahon Avenue and Hankerson Street (1540 Hankerson Street). The property is currently zoned “R-1A” Single-Family Residential District. (0-2007-1)

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 6-0; approved as presented.

Z-3 APPLICATION Z12-06-126A HUNTINGTON STATE BANK

Request that the City Council consider a request to change the zoning from “M-1” Light Industrial District to “C-2” General Commercial District on Lot 61C and a portion of Lot 61D of NCB 900B, two lots totaling approximately 2.87 acres located north of the intersection of WSW Loop 323 and Old Jacksonville Highway (3921 and 3943 Old Jacksonville). (0-2007-1)

Councilman Simons made the motion; seconded by Mayor Pro Tem Smith; motion carried 6-0; approved as presented.

Z-4 APPLICATION Z12-06-127A FLETCHER PORTER

Request that the City Council consider a request to change the zoning from “M-1” Light Industrial District to “R-MH” Manufactured Home Residential on Lot 64A of NCB 999, one lot totaling approximately .291 acres located north of the intersection of Whiteside Road and West Chase Boulevard, an unimproved right-of-way (1018 Whiteside Road). (0-2007-1)

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 6-0; approved as amended to R-1B.

Z-5 APPLICATION Z12-06-128A LUCIA MENDEZ APARISIO

Request that the City Council consider a request to change the zoning from “M-1” Light Industrial District to “C-2” General Commercial District on Lot 1A of NCB 673A, one lot totaling approximately .48 acres located on the southwest corner of the intersection of Duncan Street and Angeline Avenue (1813 Duncan Street). (0-2007-1)

Councilman Simons made the motion; seconded by Councilman Moran; motion carried 6-0; approved as presented.

Z-6 APPLICATION Z12-06-129A E. MAXEY & CAROLE ABERNATHY

Request that the City Council consider a request to change the zoning from “R-1B” Single-Family Residential to “PMF” Planned Multi-Family Residential District without final site development plan approval on Tract 9 of the M. Long Survey Abstract #A0562, one lot totaling approximately 19 acres located north of Cumberland Road and west of the Lakeway Drive unimproved right-of-way. The property is currently zoned “R-1B” Single-Family Residential District. (0-2007-2)

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Mayor Pro Tem Smith – Stated that his only concern is that he wants to make sure that if the city is granting access that divides a strip of city owned property that the city is not doing something that could be regretted later. Mayor Pro Tem Smith also wanted to know if the city would be compensated for the ingress and egress.

Operations Manager, Greg Morgan – Stated, “Yes.”

Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-7 APPLICATION Z12-06-131A STONEGATE HOMEOWNERS ASSOCIATION
Request that the City Council consider a request to adopt an ordinance approving a final site development plan amendment (Z05-01-013) on Lot 13 of NCB 1544-P, one lot totaling approximately 1.16 acres located on Stonegate Valley Drive (1945 Stonegate Valley Drive). The property is currently zoned “PUR” Planned Unit Residential Development District.

Doug Makowsky, 5711 Andover Dr. - Stated that when he bought his home the realtor told him that the area located behind his resident would continue to be a greenbelt area, so that made it much more attractive when he purchased it.

Mr. Schmerheim, 5715 Andover Dr. – Stated that the same reason that Mr. Makowsky stated, the greenbelt was stated to them by the Real Estate agent and he also followed up with the Planning & Zoning Department. On October 30 he received a PDF document by email stating and showing that the area was greenbelt and there was nothing stated at that time that it was going to change or anything was in motion to put this change in the ordinance. Mr. Schmerheim stated that the greenbelt was a very big attraction to him and his wife so much that across the rear of their property instead of erecting a wood fence he went with the expense of a rod iron fence, with the understanding that the greenbelt area would remain as such.

Lyndol Popchoke, 2802 Gloucester Dr. – Stated that he was also told that the area would keep the greenbelt. Mr. Popchoke stated that one of the representative from Stonegate said that they would not have a problem leaving a 25 ft greenbelt, so they were encourage by that and hoped that that could be included in the motion.

Mayor Seeber – Asked Mr. Breedlove, “Who owned the property and why were they trying to sale it?”

Bob Breedlove – Stated that Stonegate homeowner owns the common property out there and they have agreed to a 25 ft. no touch greenbelt and that motion was approved at the Planning & Zoning meeting last month.

Councilman Moran – Stated that he was a little hesitant about this and felt this may be something that needed to be tabled because he was not inclined to agree that this is the appropriate change right now.

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Councilman Moran made the motion to table the item; seconded by Councilman Alworth; motion carried 6-0; approved to table.

Z-8 APPLICATION C11-06-012B GENOCOV INVESTMENTS

Request that the City Council consider a request for the closure of a portion of a sixty foot (60') wide unimproved thoroughfare (Brentwood Drive) located at a point beginning three hundred fifteen feet from the intersection of Glenbrook Drive and Brentwood Drive and terminating at the Loop 323 SSE and Brentwood Drive intersection. The north side of the right-of-way is adjacent to Lot 2A of NCB 968C. The south side of the right-of-way is adjacent to Lot 2G of NCB 968. (0-2007-3)

Carnell Wilder, 6207 Trenton – Stated that he owns part of the lot that runs along side the creek that runs behind the property. Mr. Wilder stated that if the road is closed then he would not have access to his property.

Mayor Seeber – Stated that in order for Mr. Wilders' property to be developed it would have to be rezoned from residential to commercial and someone would have to build that roadway but he did not see that being likely.

Mayor Pro Tem Smith – Asked, "What is the intention of Genocov?"

Rea Boudreaux, Genecov Group – Stated that one of the tenants wanted to do a major expansion and needed the additional area for parking to meet the building requirements for the square footage of the building.

Mayor Pro Tem Smith - Stated that the City Council does not want to do anything detrimental to anybody but at the same time the City is looking for ways to encourage development and growth in areas other than South Tyler.

Councilman Alworth made the motion; seconded by Mayor Pro Tem Smith; motion carried 6-0; approved as presented.

RESOLUTIONS

R-1 Request that the City Council consider adopting a Resolution agreeing to provide defense and indemnity to a certain City official and certain City employees who are defendants in a lawsuit brought against them in their capacity as City employees. (R-2007-1)

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

R-2 Request that the City Council consider adopting a Resolution approving participation in the Cities Advocating Reasonable Deregulation coalition with other Northeast Texas cities to engage a firm to monitor and represent the coalition's interests in the next Legislative session related to non-deregulation issues, as well as authorizing the City's initial payment

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of a maximum of \$5,000 for participation in and services provided through coalition participation. (R-2007-2)

Mayor Pro Tem Smith made the motion; seconded by Councilman Choice; motion carried 6-0; approved as presented.

R-3 Request that the City Council consider accepting participation by the Texas Department of Transportation in the 2006-2007 City of Tyler, Smith County, aerial photography project. (R-2007-3)

Councilman Moran made the motion; seconded by Councilman Simons; motion carried 6-0; approved as presented.

R-4 Request that the City Council consider approval of a resolution that supports increased funding for the Texas Recreation and Parks Account and the State Park System. (R-2007-4)

Councilman Alworth made the motion; seconded by Mayor Pro Tem Smith; motion carried 6-0; approved as presented.

ORDINANCES

O-1 Request that the City Council consider adopting an ordinance amending the Fiscal Year 2006-2007 Annual Budget to provide funding to complete the purchase of wheeled garbage carts, to complete the purchase of the automated trucks and to hire architect services for the landfill office. (O-2007-4)

City Manager, Bob Turner — Stated that on October 24, 2006, the City Council authorized the Solid Waste Department to convert residential and small business customers to automated garbage collection, one route at a time by furnishing each customer with a 96-gallon cart. The transition seems to be working well. Two routes have been converted and the remaining sixteen routes have been scheduled for conversion. Solid Waste is converting two routes each month and is scheduled to be totally automated by October 2007.

Since the conversion was in the planning stages last year, the budget for Residential Sanitation Containers was set at \$250,000. The department needs an additional \$450,000 to purchase carts to complete the conversion.

In April 2006, Solid Waste and VES budgeted \$1,316,000 to purchase seven (7) residential automated trucks but now those 7 trucks cost \$1,344,813 and were approved for purchase by City Council (CA-1, 10/11/06). City Council ratified the purchase of an eighth chassis and approved the purchase of an eighth body for the total price of \$147,519 (CA-2, 10/24/06). Solid Waste needs a total of \$176,332 more than was budgeted to purchase the trucks.

On December 12, 2006, the City Council authorized the Solid Waste Department to enter into a contract with Ron Mabry & Associates Architects to design an office building at the

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Greenwood Farms Landfill for a cost of \$59,945 (M-1, 12/12/06). Solid Waste is requesting the additional funding be approved in the ordinance.

<u>Item or Project</u>	<u>Cost</u>
Residential Sanitation Containers	\$450,000
Residential Motor Vehicles	\$176,332
Special Services	\$ 59,945

Total Budget Amendment	\$686,277

Councilman Moran made the motion; seconded by Councilman Simons; motion carried 6-0; approved as presented.

O-2 Request that the City Council consider adopting an ordinance amending the political sign regulations in the Zoning Ordinance in the Tyler City Code. (0-2007-5)

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 6-0; approved as presented.

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to allow City participation in a project to extend sanitary sewer along U.S. 64 East corridor, in cooperation with the Boy Scouts of America and Gary Root Homes.

Operations Manager, Greg Morgan — Stated that over the past several months, Tyler Water Utilities has been approached independently by two developers interested in developing along the U.S. 64 East corridor, just outside of the City of Tyler city limits. One developer, the Boy Scouts of America, approached the City regarding the Headache Springs property they leased from the City of Tyler in 2004 and the other developer, Gary Root Homes, approached the City regarding the proposed Mansion Creek Subdivision. After review of the separate projects, it has been determined that the projects could be combined, along with participation from the City, to create one project which will meet not only the current requirements of the property owners but will open an additional 400 acres to future development and annexation by the City of Tyler. The estimated construction cost for the project is \$299,804, with the Boy Scouts of America participation being capped at \$115,000 and Gary Root Homes participation capped at \$70,000. The City of Tyler will be responsible for the remaining costs, estimated at \$114,804.

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 6-0; approved as presented.

M-2 Request that the City Council adopt the 2006-2007 Annual Work Program for the One-Half Cent (1/2¢) Sales Tax Capital Improvements Corporation.

Councilman Moran made the motion; seconded by Councilman Simons; motion carried 6-0; approved as presented.

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M-3 Request that the City consider accepting the fixed assets created by the completion of One-Half Cent Sales Tax Projects for fiscal years 2003-2006.

Councilman Simons – Stated that the City does not bond out anything for all these different projects, this is done in house with the 11 million dollars every year.

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

M-4 Request that the City Council consider authorizing the City Manager to execute a revised agreement with Mustang Engineering, Limited Partnership retained by Sunoco Logistics Pipeline Company for the utility relocation of a petroleum pipeline associated with the Grande Boulevard Phase 2 project and consider authorizing an additional payment to Mustang Engineering Limited Partnership in the amount of \$563,878.00 for said relocation. ©

Councilman Alworth made the motion; seconded by Councilman Moran; motion carried 6-0; 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 authorizing the City Manager to approve final acceptance of Contract Number TYL-212, “Westside Wastewater Treatment Plant Modifications”.

C-A-2 Request that the City Council consider authorizing payment to Boren – Scott Title Company in the amount of \$31,428.09 for acquisition of right-of-way for Grande Boulevard Phase 2.

C-A-3 Request that the City Council consider authorizing the City Manager to purchase one CAT 140H Motor Grader from Holt CAT, of Tyler, Texas for a total purchase price of \$197,279.00 with the three year Buy-Back Option of \$170,000.00.

C-A-4 Request that the City Council consider authorizing the City Manager to purchase two John Deere Model 624J Loaders from Nortrax, of Longview, Texas for a total purchase price of \$134,965.10, with a one year Buy-Back option of \$123,149.00 per vehicle.

C-A-5 Request that the City Council consider authorizing the City Manager to purchase one John Deere 2030 Pro-Gator from Austin Turf and Tractor of Dallas, Texas for a total purchase price of \$18,146.00.

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C-A-6 Request that the City Council consider authorizing the City Manager to purchase one Sewer Jetter Truck and one Sewer Rodder Truck from Philpott Ford, of Port Neeches, Texas and Kinloch Equipment and Supply Incorporated for a total purchase price of \$194,517.00.

Councilman Choice made the motion to approve the entire consent agenda; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

CITY MANAGER’S REPORT

1. *Arbor Day this Friday 1/12; at Ramey Elementary*
2. *Monday 1/15/07 – MLK Day Holiday and parade*
3. *2007 Parks and Recreation Guide in paper last Sunday*
4. *Welcome new paper reporter Mark*

ADJOURNMENT

Councilman Simons made the motion to adjourn the meeting at 10:10 a.m.; seconded by Councilman Choice; motion carried 6-0; meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK