

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 25, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 25, 2007 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Joey Seeber (absent)
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
Development Services Engineer: Michael Wilson
Capital /City Projects Coordinator: Bill Ward
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
City Fire Chief: Neal Franklin
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
Internal Auditor: Keidric Trimble
Manager of Water Quality and Production: Mitch Marable
Director of Utilities & Public Works: Greg Morgan
Traffic Engineer: Kirk Houser
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Choice.

Mayor Pro Tem Smith recognized Ryan Mills who was here working on his Eagle Scout Badge.

Councilman Alworth made the motion to approve the minutes for the March 28, 2007 and April 11, 2007 City Council meetings; seconded by Councilman Choice; motion carried 6-0; approved as presented.

AWARDS

- A-1 Request that the City Council consider recognizing John Bausell as the April 2007 winner of the Blueprint Blue Ribbon Award, for his work in the development and implementation of the Tyler Police Department's Active Call List. This project was a joint effort by the Police Department, University of Texas at Tyler and the Information Technology Department.**

April 25, 2007

Mayor Pro Tem Smith presented John Bausell as the April 2007 winner of the Blueprint Blue Ribbon Award, for his work in the development and implementation of the Tyler Police Department's Active Call List.

Choice Left

ZONING

Z-1 APPLICATION C04-07-004A ROBERT CRONK

Request that the City Council consider a request for the closure of a portion of an unimproved public right-of-way, beginning at the intersection of W. Elm Street and Willowbrook Ave. and extending west for approximately 252 ft to the intersection of W. Elm Street (unimproved ROW) and Fairway Ave. (unimproved ROW). The south side of the right-of-way is adjacent to Lots 1 and 24, NCB 734. The north side of the ROW is adjacent to Lots 22 and 23, NCB 729. *(Ord. No. 0-2007-37)*

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 5-0; approved as presented.

Z-2 APPLICATION Z03-07-017A DARRELL L. GUTHRIE

Request that the City Council consider a request to change the zoning from "R-2" Two Family Residential District to "R-1B" Single-Family Residential District on Lot 378 of NCB 663 in the Connally Heights Addition (Volume 269, Page 399 of the D.R.S.C.T), a portion of one lot totaling approximately 0.106 acres located one lot east of the intersection of Hill Avenue and 1st Street, on the south side of 1st Street (1526 W. 1st Street). *(Ord. No. 0-2007-38)*

Councilman Sanders made the motion; seconded by Councilman Moran; motion carried 5-0; approved as presented.

Choice return

Z-3 APPLICATION Z03-07-020B TYLER SHILOH CENTER

Request that the City Council consider a request to change the zoning from "M-2" General Industrial District to "C-2" General Commercial District on Lot 1 of NCB 1555 in the J. Rush Survey, A-842, one lot totaling approximately 1.4 acres located at the southeast corner of the intersection of Troup Highway and Shiloh Road, on the east side of Troup Highway (5100 Troup Highway). *(Ord. No. 0-2007-39)*

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

Z-4 APPLICATION Z03-07-021B JED INVESTMENTS

Request that the City Council consider a request to change the zoning from "C-1" Light Commercial District to "R-2" Two-Family Residential District and "R-1B" Single-Family Residential District on Lots 7 & 8 of NCB 443 in the Connally Heights Addition (Volume 853, Page 605), one lot totaling approximately .74 acres located north and east of the intersection Grand Avenue and Martin Luther King, Jr. Boulevard, on the east side of Grand Avenue (2111 Grand Avenue).

April 25, 2007

Councilman Choice – Stated that the only thing that concerned him was the level of protest and the only thing for the developer to do is to get with the neighbors one last time and see if something can be worked out.

Councilman Sanders made the motion to table until June 13, 2007 and the Council will work with Staff and residents; seconded by Councilman Moran; motion carried 6-0; approved as presented.

Z-5 APPLICATION Z03-07-023B RUPALI, LP

Request that the City Council consider a request to change the zoning from “POD” Planned Office District to “PCD” Planned Commercial District with final site development approval on approximately 2.55 acres of a 6.25 acre tract known as Lot 49 of NCB 1013I in the Mary M. Long Survey, A-561, one lot located approximately 225 feet east of the intersection of South Broadway Avenue and Grande Boulevard (East Extension), on the north. (Ord. No. 0-2007-40)

Director of Planning & Zoning, Barbara Holly – Stated that the applicant is requesting a zoning change for an amended site plan for a Hilton hotel.

- The proposed dumpster location shall be moved further to the west away from the adjacent residential properties. There shall be no trash pick-up between the hours of 8:00 p.m. and 8:00 a.m.
- Brick or masonry cladding shall be provided on the eastern wall of the parking structures.
- All outdoor lights shall be down shielded to prevent light beyond .2 foot-candles from flowing onto adjacent residential properties.
- Provide additional fencing along the eastern property line from the north end of the parking structure to the south limits of the floodway in order to provide additional screening for the abutting residential properties.

Councilman Alworth – Stated that his only concern is the safety of the turn coming off the property and turning east on Grande.

Larry Meckley, 401 Sutherland – Stated that he was against the hotel and asked that City Council table this item because he felt the project had inappropriate influence.

Councilman Alworth - Stated that he has been opposed to this project from the very beginning and he is still opposed to it but this is the best arrangement that that local area can get. Mr. Alworth also stated that this council is not bought and paid; that this has been thought out and very carefully done and he will continue to oppose the hotel because he did so from the start.

Councilman Simons made the motion; seconded by Councilman Moran; motion carried 5-1; approved as presented. **Councilman Alworth opposed**

Z-6 APPLICATION Z04-07-032A CHUCK GREGORY

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 10G of

April 25, 2007

NCB 1092 of the Exums Center Addition (File Number 17533, File date 4/13/06) and Lot 25 of NCB 1092, of the City of Tyler Subdivision, two lots totaling approximately 0.738 acres. Lots 10G and 25 are located two lots west of the northwest intersection of Troup Hwy and Colston Drive, on the north side of Colston Drive (2022 Colston Drive). (Ord. No. 0-2007-41)

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

Z-7 APPLICATION Z04-07-033A DAVIS THORNTON LTD

Request that the City Council consider a request to change the zoning from “AG” Agricultural District to “C-1” Light Commercial District, a 42.546 acre tract of land, being a portion of a 177 acre tract out of the Marshall University Survey, A-624 and Thomas Price Survey, A-794. This tract is located one lot south of the southwest intersection of Grande Blvd. and Old Jacksonville Hwy. on the west side of Old Jacksonville Hwy. (Ord. No. 0-2007-42)

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

Z-8 APPLICATION Z04-07-034A CYNTHIA & JUAN MOA JR

Request that the City Council consider a request to change the zoning from “R-1A” Single Family Residential District to “AR” Adaptive Re-Use District on Lots 1, 2, and 3 of NCB 1264 in the Westview Addition (Volume 4, Page 40 Records of Smith County, Texas), three lots totaling .832 acres located on the northwest corner of the intersection of Darla Lane and Garden Valley Road (3223 Garden Valley Road). (Ord. No. 0-2007-43)

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

Z-9 APPLICATION C03-07-003B CITY OF TYLER (PAUL ALLEY)

Request that the City Council consider a request to close a portion of an unimproved public alley beginning approximately 203’ north of the intersection of Paul Street and N. Gaston Avenue, extending east 660’, terminating at Confederate Avenue. The south side of the right-of-way is adjacent to Lots 8F, 8E, 7D, 5G, 5F, 8G, 7F, and 7G, NCB 358B and Lots 6, 9, 10, and 11, NCB 358A of the J.P. Patterson Second Addition. The north side of the right-of-way is adjacent to Lots 1, 2A, 3A, and 4, NCB 358A, and Lots 1 – 4, NCB 358B of the J.P. Patterson Second Addition. (Ord. No. 0-2007-44)

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

April 25, 2007

Z-10 APPLICATION Z03-07-025B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lots 14-18 of NCB 419 in the City of Tyler Original Plat (Book 3436, Page 682 D.R.S.C.T.), five lots totaling approximately 30,250 sq. ft. located at the northeast corner of the intersection of Harpole Street and N. Bois d’Arc Avenue, on the east side of N. Bois d’Arc Avenue (1805, 1809, & 1813 North Bois d’Arc Ave. and 215 & 219 W. Harpole St). (Ord. No. 0-2007-45)

Councilman Choice – Stated that he was concerned that Tyler Community Homes was not ready to step up to the plate and construct these homes satisfactorily. Councilman Choice stated that he was concerned because of some of the issues and concerns on other projects.

Rea Boudreaux- Stated that the homes would be constructed on the same format that the City of Tyler is using on their homes, same floor plans, same square footage for 2 or 3 bedrooms, and also use the same elevations that the City of Tyler uses.

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

Z-11 APPLICATION Z03-07-026B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lots 18 & 19 of NCB 416 in the Terry Addition (Book 3621, Page 841 D.R.S.C.T.), two lots totaling approximately 20,410 sq. ft. located on the south side of Harpole Street and west of the Bois d’Arc Avenue intersection (308 & 316 Harpole St.). (Ord. No. 0-2007-45)

Councilman Moran made the motion to approve items Z-11 through Z-16; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-12 APPLICATION Z03-07-027B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lots 2 & 3 of NCB 773C in the Woldert Heights Subdivision` (Book 3621, Page 841 D.R.S.C.T.), two lots totaling approximately 15,000 sq. ft. located on the east side of N. Grand Avenue and north of the 33rd Street intersection (3207 & 3209 N. Grand Ave.). (Ord. No. 0-2007-45)

Councilman Moran made the motion to approve items Z-11 through Z-16; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-13 APPLICATION Z03-07-028B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lot 14 of NCB 416 in the Terry Addition (Book 3621, Page 841 D.R.S.C.T.), one lot totaling approximately 9,380 sq. ft. located one lot north of the intersection of Vance Street and Pegues Avenue on the east side of Pegues Avenue (1705 Pegues Ave.). (Ord. No. 0-2007-45)

April 25, 2007

Councilman Moran made the motion to approve items Z-11 through Z-16; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-14 APPLICATION Z03-07-029B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lot 17 of NCB 416 in the Terry Addition (Book 3621, Page 841 D.R.S.C.T.), one lot totaling approximately 7,500 sq. ft. located at the southeast corner of the intersection of Harpole Street and Pegues Avenue, on the east side of Pegues Avenue (1725 Pegues Avenue). (Ord. No. 0-2007-45)

Councilman Moran made the motion to approve items Z-11 through Z-16; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-15 APPLICATION Z03-07-030B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lot 74 of NBC 767 in the College Park Subdivision (Book 3637, Page 489 D.R.S.C.T.), one lot totaling approximately 7,500 sq. ft. located on the north side of W. 32nd St. and west of the Grand Avenue intersection (1007 W. 32nd St.). (Ord. No. 0-2007-45)

Councilman Moran made the motion to approve items Z-11 through Z-16; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-16 APPLICATION Z03-07-031B P.A.T.H.

Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “R-1B” Single-Family Residential District on Lot 104 of NBC 763 in the College Park Subdivision (Book 3637, Page 489 D.R.S.C.T.), one totaling approximately 15,000 sq. ft. located on the north side of 32nd Street and west of the Carter Blvd. intersection (1229 W. 32nd St.). (Ord. No. 0-2007-45)

Councilman Moran made the motion to approve items Z-11 through Z-16; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

Z-17 APPLICATION Z04-07-036B CITY OF TYLER

Request that the City Council consider a request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District in the Butler College area bounded by Bellwood Road to the north, 2nd Street to the south, Glenwood Blvd. to the east and Britton Ave. to the west for the following 161 lots:

Lots 24, 35, and 36 of NCB 324D of the BF Phillips Subdivision (522, and 519 S. Confederate Ave.);

Lot 5 of NCB 321 of the Oak Grove Place Subdivision (805 S. Glenwood Blvd.);

Lots 35, 48A, 56B, 71B, 72, 74, 141, 142 and 153 of NCB 665B of the Jno. Broughton Subdivision (713 and 732 Englewood Ave., 1311 W. Grove St, 802 S. Confederate Ave., 1225 W. Connally St. 803 S. Ross Ave., 639 and 643 Englewood Ave., and 718 S. Ross Ave.);

April 25, 2007

Lots 119 and 124 of NCB 665A of the Emma Mosley Subdivision (1216 and 1126 W. Connally St); Lots 1A, 12A, 12B, 13A, 14A, 26A, and 29 of NCB 851 of the M.F. Turner Subdivision (2808 Bellwood Rd., 823 Clark St., 844 S. Turner Ave., 808 S. Clark Ave., 2713 W. Shaw St., and 730 S. Turner Ave.);

Lots 5 and 6, of NCB 851A of the M.F. Turner Subdivision (2718 and 2714 Bunche St.);

Lots 15A and 15F of NCB 852 of the M.F. Turner Subdivision (921 and 915 S. Turner Ave);

Lot 32 of NCB 856 of the Tubbs Subdivision (2402 Bellwood Rd.);

Lot 7 of NCB 855 of Herndon Subdivision (2402 Cartwright St.);

Lots 8B, 8C, 12, 40, 45, 50, 52, 57, 58, 59A, 60A, 68, 69, and 70 of NCB 857 of the Herndon's 1st Subdivision (847 and 921 S. Buckley Ave., 1005, 1016, 930, 916, 850 and 857 Crosby St, 2431 and 2507 W. Jackson);

Lots 1F, 1G, 3G and 11 of NCB 854 of the Herndon's 2nd Subdivision (1200, 1126 and 1208 S. Buckley Ave. and 2403 Cartwright St.)

Lots 7A, 7B, 8, 11, 12, 13A, 20A, 20B, 21A, 21B, 22, 23A, 25, 27, 28, 34, 38A, 39B, 47, 48, 49 and 61 of NCB 856 of the Tubbs Subdivision (945, 949 and 1023 S. Lyons Ave., 2401 and 2403 W. Shaw St., 1020 S. Buckley Ave., 846 S. Buckley Ave., 853 Tubbs St., 844, 842, 840, 832, 826 and 822 S. Buckley Ave., 821 Tubbs Ave., 827 and 819 S Lyons Ave., 902 and 900 S. Buckley Ave., 905 S Tubbs St., and 921 S. Lyons St.)

Lots 10, 10A, 12A, 12B, 13, 16, 30, 39, 40, 41, 42, 43, 44, and 45 of NCB 661B of the Walter H. Knight Subdivision (1720 W 1st St., 1318 S. Peach Ave., 1716, 1708 and 1618 W. 1st. St., 1620 and 1715 Mockingbird Ln., and the north side of the 1800 Block of W. Shaw St.)

Lots 377, 380, 384, 388, 390, 391 and 411B of NCB 663 of the Connally Heights Subdivision (1602, 1518, 1500, 1501, 1507 and 1511 W.1st St. and 1400 Mockingbird Ln.)

Lots 128, 130, 133A, 138, 146B, 147A, 154A, 158A, 159A and 160 of NCB 661B of the Butler College Subdivision (1315, 1309, 1217, 1133, 1112, 1114, 1208, 1302 and 1308 S. Academy)

Lots 2, 3, 4, 13, 14, 15, 16, 17, 18, 20, 35, 50, 51, 54, 57, 66, 68, 76, 77, 80, 85, 89, 94, 99, 100, 111A, and 121 of NCB 661A of the Butler College Subdivision (1114, 1120, 1304, 1310, 1314 and 1320 S. Lyons Ave., 2203 W 2nd St., 1105, 1302, 1306 and 1316 S. Francis Ave., 1315, 1203, 1127, 1122, 1124, 1208, 1302, and 1318 S. Butler Ave., 1311, 1215, 1213, 1110 and 1302 S. Lenox St.)

Lots 12, 16, 21 and 26 of NCB 575 of the Academy Heights Subdivision (2024 W. Robbins St., 2017 and 2125 W. Jackson St., and 924 S. Lyons Ave.)

Lots 1, 2, 6, 7, 8, 9, 10, 14, 18, 19, 20, 24 and 25 of NCB 576 of the Academy Heights Subdivision (2016 W. Shaw St., 2012, 1924, 1918, and 1910 W. Robbins St., 1903, 1923, 1927, 1929 and 2107 W. Jackson St., and 2000 W. Robbins St.)

Lots 12, 13, 23A, and 25 of NCB 577 of the Academy Heights Subdivision (1804 and 1732 W. Robbins St., 921 S Peach Ave., and 924 S. Academy Ave.)

Lots 4, 5, 7, and 16B of NCB 580 of the Academy Heights Subdivision (1806 and 1812 W. Jackson St., and 1023 S. Peach Ave.)

Lot 9, 10 and 22 of NCB 581 of the Academy Heights Subdivision (1916 and 1908 W. Jackson St. and 2009 W. Shaw St.)

Lots 3, 4, 7, 12, 17, 25 and 26 of NCB 582 of the Academy Heights Subdivision (2200, 2124, 2110 and 2026 W. Jackson St., and 2119 and 2027 W. Shaw St.) **(Ord. No. 0-2007-46)**

April 25, 2007

Director of Planning & Zoning, Barbara Holly – Stated that Section 10-210, "R-1B" Single-Family Residential District, allows for the development of single family residential units, churches, public schools, and accessory buildings and uses which are incidental to the above uses, but not involved in the conduct of business. Maximum allowable building height is two and one-half stories or 42 feet in height. Setback requirements are 25 feet in the front and rear and six feet on the side. Minimum lot size is 6,000 square feet.

Generally, the adjacent properties to the north, east, south and west of the 161 lots proposed to be rezoned are zoned "R-2" Two-Family Residential District; yet most of the actual structures are single family homes.

At the February 28, 2007, City Council meeting, the Council unanimously approved the process and schedule of the proposed city-wide voluntary rezoning. This is Phase One which is located in the Butler College area bounded by Bellwood Road to the north, 2nd Street to the south, Glenwood Blvd. to the east and Britton Avenue to the west.

This rezoning will have a positive impact on the neighborhood by allowing the property owners to rebuild, refinance or remodel their single family homes once the lots have come into compliance. This process is in keeping with the desired outcome of Tyler 21 to increase the number of single family homes in North Tyler and to foster redevelopment and reinvestment in the North Tyler neighborhoods.

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

RESOLUTIONS

R-1 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of right of way land against Brenda Berryhill and Hoyt Farmer for the construction of the Grande Boulevard East Extension Phase 2. (Res. No. R-2007-13)

Mayor Pro Tem Smith – Stated that this does not affect any homes, this is acquiring right of ways necessary for Grande project.

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

R-2 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of right of way land against Safe Harbor Holdings, LLC for the construction of the Grande Boulevard East Extension Phase 2. (Res. No. R-2007-14)

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

April 25, 2007

R-3 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of right of way land against Central Baptist Church for the construction of the Grande Boulevard East Extension Phase 2. (Res. No. R-2007-15)

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

R-4 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of right of way land against R's & J's Ent Incorporated a Texas Corporation, for the construction of the Grande Boulevard East Extension Phase 2. (Res. No. R-2007-16)

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

ORDINANCES

O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 17, "Traffic", Article III, "Speed Regulations", Section 17-64, modifying an existing school speed zone speed limit of 25 mph for Ramey Elementary School along Forest Avenue and Evergreen Avenue. (Ord. No. 0-2007-47)

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

O-2 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 15 to update the television franchise provisions to reflect that Northland Cable Ventures LLC has obtained a State-Issued Certificate of Franchise Authority for cable television and video services. (Ord. No. 0-2007-48)

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

O-3 Request that the City Council consider adopting an ordinance amending the Tyler City Code to authorize the waiver of costs associated with the City's removal of junked vehicles when voluntarily requested by the person in control of such vehicle. (Ord. No. 0-2007-49)

Councilman Sanders made the motion; seconded by Councilman Choice; motion carried 6-0; approved as amended to include "vehicle" before "part".

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to approve payment to Atmos Energy for the relocation of a pipeline associated with the Grande Boulevard Phase 2 project. © Approved 6:0 for \$1,830,158 total and a payment of \$1,385,158

April 25, 2007

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

- M-2 Request that the City Council consider authorizing the City Manager to purchase three (3) wetland mitigation credits, from Klamm, Incorporated, in the amount of \$30,000 in association with the Grande Phase 2B project. ©**

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

- M-3 Request that the City Council consider authorizing the City Manager to award a contract to Reynolds & Kay, Limited, in the amount of \$57,297.15 for the Glenhaven Drive Drainage Improvements project. ©**

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 awarding Bid Number 07-004 for the herbicide treatment of approximately 664 acres of Hydrilla on Lake Tyler East, in the amount of \$336,240.00 to Aquatic Management Services. ©**

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

- M-5 Request that the City Council consider reviewing and accepting the Revenue, Expenditure and Investment Report for the quarter ending March 31, 2007. (Accept)**

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

- M-6 Request that the City Council consider authorizing the City Manager to award Bid Number 07-025 to Hays Miller Roofing in the amount of \$90,587.00 to replace the roof on the old Regions Bank building located at 900 West Gentry Parkway and retain Wharry Engineering to provide full time inspection services in the amount of \$5,400.00. ©**

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

- M-7 Request that the City Council consider authorizing the City Manager to execute a grant agreement with the Texas Department of Transportation (TxDOT) for the elderly and individuals with disabilities grant through FTA 5310 funding for the period of April 11, 2007 through August 31, 2008. ©**

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

April 25, 2007

M-8 Request that the City Council approve and accept Tyler Transit System grant TX-90-743-00 in the amount of \$1,852,673 to be utilized for Capital, Operating, and Americans with Disability (ADA) funding from Federal Transit Administration (FTA). ©

Councilman Alworth made the motion; seconded by Councilman Choice; 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 purchase playground equipment for Hillside Park through the Buy Board Purchasing Cooperative from May Playground Equipment Company of Texarkana, Texas in the amount of \$36,900.

C-A-2 Request that the City Council consider authorizing the City Manager to purchase security cameras for Harvey Convention Center from East Texas Alarm of Tyler, Texas, in the amount of \$11,590.80.

C-A-3 Request that the City Council consider authorizing the City Manager to purchase a one cubic yard Concrete Drum in the amount of \$16,225.00.

C-A-4 Request that the City Council consider authorizing the City Manager to purchase one undercover vehicle from the low bidder Allen Samuels East Texas Dodge, of Tyler, Texas in the amount of \$21,273.00.

C-A-5 Request that the City Council consider authorizing the City Manager to purchase one Chevrolet CC7500 Cab and Chassis for a total purchase price of \$39,748.00.

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

CITY MANAGER'S REPORT

- 1. Mayor's Prayer Breakfast next Thursday, 5/3 at HCC @ 6:30**
- 2. Beginning Golf Clinic next Saturday**
- 3. Cotton Belt open for tours Sat. 5-5 including train collection 10-3**
- 4. CC Meeting changes 5-9 and 5-15 Tues. and 6-13 and Tues. 6-19**

RECESS FOR EXECUTIVE SESSION

April 25, 2007

ADJOURNMENT

Councilman Moran made the motion to adjourn the meeting at 10:51 am; seconded by Councilman Sanders; 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