

**MINUTES OF THE  
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
June 13, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 13, 2007 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Joey Seeber  
Mayor Pro Tem: Chris Simons  
Council Members: Nathaniel Moran  
Donald Sanders  
Ralph Caraway  
Steve Smith (Absent)  
Charles Alworth

City Manager: Bob Turner  
Deputy City Manager: Mark McDaniel  
Deputy City Attorney: Steve Kean  
Assistant City Attorney: Deborah Pullam  
Airport Manager: Davis Dickson  
Business Service Manager: ReNissa Wade  
Development Services Engineer: Michael Wilson  
Director of Neighborhood Services: Brenda Johnson  
Capital /City Projects Coordinator: Bill Ward  
Chief Financial Officer: Daniel Crawford  
Chief Information Officer: Benny Yazdanpanahi  
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  
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 Caraway.

Councilman Moran made the motion to approve the minutes for the May 9, 2007 and May 15, 2007 City Council meetings; seconded by Mayor Pro Tem Simons; motion carried 6-0; approved as presented.

**ELECTION**

**E-1 Administer Oath of Office to City Council-member for District 5**

Mayor Seeber administered the Oath of Office to Councilmember Moran for District 5.

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**AWARDS**

**A-1**

**30 Years of Service**

David C. Schlottach

May 16, 1977 to May 16, 2007

David C. Schlottach went to work for the City of Tyler on May 16, 1977 as a Fire Fighter in the Fire Department. On August 1, 1979 he was promoted to Driver. He was promoted to Lieutenant on September 16, 1984, Captain in 1987, Fire Training Chief on March 9, 1990 and Assistant Fire Chief on July 9, 2003, the position he now holds. We are pleased to present David with a 30 year service pin for his many years of service with the City of Tyler.

Gary H. Rice

May 1, 1977 to May 1, 2007

Gary H. Rice went to work for the City of Tyler on May 1, 1977 as a Patrolman in the Police Department. He was promoted to Sergeant on January 5, 1981, the position he now holds. We are pleased to present Gary with a 30 year service pin for his many years of service with the City of Tyler.

**20 years**

J. Morgan Herron Jr.

May 27, 1987 to May 27, 2007

J. Morgan Herron Jr. went to work for the City of Tyler on May 27, 1987 as a Firefighter in the Fire Department. On February 21, 1999 he was promoted to Fire Driver/Engineer, the position he now holds. We are pleased to present Morgan with a 20 year service pin for his many years of service with the City of Tyler.

P. Mark Hockman

May 27, 1987 to May 27, 2007

P. Mark Hockman went to work for the City of Tyler on May 27, 1987 as a Firefighter in the Fire Department. On December 8, 1997 he was promoted to Fire Driver/Engineer, the position he now holds. We are pleased to present Mark with a 20 year service pin for his many years of service with the City of Tyler.

Jeff M. Akin

May 27, 1987 to May 27, 2007

Jeff M. Akin went to work for the City of Tyler on May 27, 1987 as a Firefighter in the Fire Department. On January 8, 1996 he was promoted to Fire Driver/Engineer. He was promoted to Fire Captain on November 21, 2004, the position he now holds. We are pleased to present Jeff with a 20 year service pin for his many years of service with the City of Tyler.

Michael G. Mueck

May 27, 1987 to May 27, 2007

Michael G. Mueck went to work for the City of Tyler on May 27, 1987 as a Firefighter in the Fire Department. He was promoted to Fire Driver/Engineer on January 8, 1996, Fire Captain on December 13, 1998, Senior Captain on January 10, 2001 and Fire District Chief on October 1, 2005, the position

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he now holds. We are pleased to present Michael with a 20 year service pin for his many years of service with the City of Tyler.

Neal J. Franklin

May 27, 1987 to May 27, 2007

Neal J. Franklin went to work for the City of Tyler on May 27, 1987 as a Firefighter in the Fire Department. He was promoted to Fire Investigator on December 9, 1991, Fire Driver/Engineer on September 8, 1995, Fire Captain on February 21, 1999 and Fire Chief on July 9, 2003, the position he now holds. We are pleased to present Neal with a 20 year service pin for his many years of service with the City of Tyler.

These employees represent over 160 years of service with the City of Tyler.

## **A-2 New Employees**

The following employees were hired by the City of Tyler during the months of April and May 2007.

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

<b>Mark Tietz</b>	<b>Arborist/Urban Forester</b>	<b>Parks</b>
<b>Rickey Medders</b>	<b>Firefighter Recruit</b>	<b>Fire</b>
<b>John Stiefer</b>	<b>Equipment Operator II</b>	<b>Environmental Services</b>
<b>Tezelle Miller</b>	<b>Residential Equipment Operator</b>	<b>Solid Waste</b>
<b>Keith Austin</b>	<b>Building Inspector</b>	<b>Development Services</b>
<b>John Crawley</b>	<b>Police Recruit</b>	<b>Police</b>
<b>Joshua Fowler</b>	<b>Police Recruit</b>	<b>Police</b>
<b>Andrew Mackey</b>	<b>Police Recruit</b>	<b>Police</b>
<b>Lukas Neubauer</b>	<b>Police Recruit</b>	<b>Police</b>
<b>Jefferson Roberts</b>	<b>Police Recruit</b>	<b>Police</b>
<b>Hillary Shields</b>	<b>Police Recruit</b>	<b>Police</b>
<b>William Sinclair</b>	<b>Police Recruit</b>	<b>Police</b>
<b>Kathryn Turner</b>	<b>Outreach Technician</b>	<b>Library</b>
<b>Mark Hodges</b>	<b>Traffic Signal Technician</b>	<b>Traffic</b>
<b>Deaun Stinecipher</b>	<b>Emergency Management Assistant</b>	<b>Fire</b>
<b>Angela Barron</b>	<b>Risk Analyst</b>	<b>Legal</b>
<b>Leanne Robinette</b>	<b>Clerk</b>	<b>Parks</b>
<b>Craig Driessner</b>	<b>Accountant</b>	<b>Administrative Services</b>
<b>Rasheed Griffin</b>	<b>Laborer</b>	<b>Lake Tyler</b>

## **A-3 Request that the City Council recognize Tyler Police Officer John R. Carnes for being awarded the State of Texas Law Enforcement Achievement Award for Valor associated with his bravery during the apprehension of two dangerous criminals.**

Mayor Seeber recognized Tyler Police Officer John R. Carnes for being awarded the State of Texas Law Enforcement Achievement Award for Valor associated with his bravery during the apprehension of two dangerous criminals.

- A-4 Request that the City Council receive a presentation from the Public Technology Institute 2006-2007 Technology Solutions Award for the use of technology to improve service delivery and reduce operation costs.**

**Benny Yazdanpanahi, Chief Information Officer** – Stated that the City of Tyler Information Technology Department was recently awarded two Honorable Mention awards for Telecommunications and Information Technology for City Inventory Tracking System and Linux-based Thin Clients to Reduce IT Demand. Benny presented to City Councilmen a plaque and the statement of recognition for practical and innovated efforts of Information Technology Department.

## **ZONING**

### **Z-1 APPLICATION C04-07-005B HILDA PORTILLO BERRUN**

**Request that the City Council consider a request to close a portion of an unimproved right-of-way beginning at the intersection of N. Ellis Avenue and Gentry Parkway and extending approximately 74 feet north. The west side of the right-of-way is adjacent to Lot 24 of NCB 207B. The east side of the right-of-way is adjacent to Lot 17 of NCB 206. The applicant is requesting the closure in order to incorporate the undeveloped right-of-way into a new development. (Ord 0-2007-54)**

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

### **Z-2 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 on Lot 7B of NCB 443 in the Oak Grove Addition, one lot totaling approximately .19 acres and “R-1B” Single-Family Residential District on Lots 7A & 8 of NCB 443 in the Oak Grove Addition, two lots totaling approximately .53 acres located north and east of the intersection of Grand Avenue and Martin Luther King, Jr. Boulevard, on the east side of Grand Avenue (2109, 2111 and 2115 Grand Avenue). (Ord 0-2007-55)**

Mayor Pro Tem Simons made the motion to remove Z-2 item from table to consider; seconded by Councilman Moran; motion carried 6-0; removed from the table.

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

### **Z-3 APPLICATION Z04-07-037B MEZAYEK BUILDING LTD.**

**Request that the City Council consider a request for final site plan approval (Z12-06-129A) on Tract 9 of the M. Long Survey Abstract Number A0562, one lot totaling approximately 19.12 acres located north of Cumberland Road and west of the Lakeway Drive unimproved right-of-way. The property is currently zoned “PMF” Planned Multi-Family Residential District. (Ord 0-2007-56)**

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Councilman Moran made the motion; seconded by Mayor Pro Tem Simons; motion carried 5-0-1: approved as presented. (Alworth against).

- Z-4 APPLICATION Z04-07-038B S.R. PROPERTIES L.L.C**  
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 a portion of Lot 15B of NCB 1092 in the Exums Center Addition (Cabinet D, Slide 368-B) totaling approximately 0.56 acres located one lot west of the intersection of Troup Hwy. and Colston Drive, on the north side of Colston Drive (3707 Colston Drive). (Ord 0-2007-57)

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

- Z-5 APPLICATION Z05-07-040A DANNY ALLEN**  
Request that the City Council consider a request to change the zoning from “R-1B” Single-Family Residential District to “RPO” Restricted Professional and Office District on Lot 15 of NCB 678G of the Ridgecrest Addition (Volume 2, Page 324 of the D.R.S.C.T), one lot totaling approximately 0.24 acres located one lot south of the intersection of Clinic Drive and Magnolia Drive, on the east side of Magnolia Drive (938 Magnolia Drive). (Ord 0-2007-58)

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

- Z-6 APPLICATION Z05-07-041A PERRY B. HALL**  
Request that the City Council consider a request for final site development plan approval (Z11-03-067) on Tract 2 of the William Keys Survey A-526, being a 10.119 acre tract and being part of a called 184.887 acre tract described in a Deed from Hudnall et al to RHP Real Estate Ltd. in Volume 3905, Page 374 of the Smith County Land Records, Smith County, Texas. The subject property is located north and east of the intersection of Old Omen Road and Shiloh Road, on the east side of Old Omen Road. The applicant is requesting final site development plan approval to allow for the development of apartments. The property is currently zoned “PMF” Planned Multi-Family Residential District. (Ord 0-2007-59)

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

- Z-7 APPLICATION Z05-07-045B STEVE & JOHN NIX**  
Request that the City Council consider a request for final site plan approval on a portion of Lot 15 of NCB 1544T of the Stonegate West Addition as recorded in Book D, Page 237C of the D.R.S.C.T., one lot totaling approximately 2.12 acres located southwest of the intersection of Stonecrest Blvd. and Paluxy Drive, on the south side of Stonecrest Blvd. (1850 Stonecrest Blvd.). The property is currently zoned “POD” Planned Office Development District. (Ord 0-2007-60)

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

**Z-8 APPLICATION Z06-07-063B TERRY T. PENN**

**Request that the City Council consider a request to confirm original zoning of “R-3” Multi-Family Residential District on approximately 6.465 acres contained in the Final Plat of Penco Office Park Subdivision as recorded in Cabinet D, Slide 42D of the Plat Records of Smith County, Texas located at the northwest corner of the intersection of Spur 248 and CR 272 (Adam Henry Drive).**

**Rhonda Dennis, 2829 Roanoke** – Spoke in opposition of zoning request.

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

**Z-9 APPLICATION Z05-07-041B CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS – PHASE ONE-A**

**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, 2<sup>nd</sup> Street to the south, S. Peach Ave. to the east and Clark St. to the west for the following 10 lots:**  
**Lot 24 of NCB 577 of the Academy Heights Subdivision (1809 W. Jackson St.);**  
**Lot 1 of NCB 581 of the Academy Heights Subdivision (2016 W. Jackson St.);**  
**Lots 12, 75, 87 and 88 of NCB 661A of the Butler College Subdivision (1222 S. Lyons Ave., 1116 and 1314 S. Butler Ave.);**  
**Lot 150A of NCB 661B of the Butler College Subdivision (1124 S. Academy Ave.);**  
**Lot 2C of NCB 855 of the Herndon Subdivision (1315 S. Lyons Ave.);**  
**Lot 63 of NCB 857 of the Herndon’s 1<sup>st</sup> Subdivision (837 Crosby St.) and**  
**Lot 25 of NCB 575 of the Academy Heights (920 S. Lyons Ave.)** **(Ord 0-2007-61)**

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

**Z-10 APPLICATION Z05-07-046B CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS – PHASE TWO**

**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 an area bounded by W. Erwin St. to the north, Bellwood Rd. to the south, S. Glenwood Blvd. to the east and S. Lyons Ave. to the west for the following 43 lots:**  
**Lot 11 of NCB 640 of the Herndon Subdivision (1719 W. Elm St.);**  
**Lots 1, 20, 23, 24 and 25 of NCB 641 of the Herndon Subdivision (201 and 229 S. Fenton Ave., 228, 232 and 222 S. Peach Ave.);**  
**Lots 23 and 24 of NCB 642 of the Herndon Subdivision (315 and 319 S. Fenton Ave.);**  
**Lots 1, 19, 23, 24 and 26A of NCB 643 of the Herndon Subdivision (301, 307, 327 and 333 S. Peach Ave. and 316 S. Fairmont Ave.);**  
**Lot 9 of NCB 644 of the Herndon Subdivision (233 S. Peach Ave.);**

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**Lots 13, 16, 21 and 22 of NCB 648 of the Herndon Subdivision (320 and 310 S. Boon Ave., 319 and 323 S. Fairmont Ave.);**  
**Lots 4, 13, 14, 15, 20 and 21 of NCB 649 of Herndon Subdivision ( 313 S. Boon Ave., 320, 316 and 314 S. Bruck Ave., 2020 and 2014 W. Pine St.);**  
**Lots 10 and 24 of NCB 650 of the Herndon Subdivision (232 S. Bruck Ave. and 217 S. Boon Ave.);**  
**Lot 49 of NCB 666 of the Herndon Subdivision (504 McCain Drive);**  
**Lots 7A, 10, 12, 19, 27A, 28, 30, 35 and 36 of NCB 666B of the Herndon Subdivision (422, 500, 508 and 534 S. Fenton Ave., 509, 505, 439, 417 and 415 S. Hill Ave.);**  
**Lots 23, 30 and 31 of NCB 666C of the Herndon Subdivision (520 S. Hill Ave., 427 and 431 McCain Dr.);**  
**Lots 8 and 10 of NCB 668C of the City of Tyler Subdivision (209 and 203 S. Bruck Ave.);**  
**Lot 12 of NCB 668B of the City of Tyler Subdivision (220 S. Lyons Ave.) and Lot 4 of NCB 666D of the Herndon Subdivision (612 S. Fenton Ave). (Ord 0-2007-62)**

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

## **Public Hearing**

**H-1 Request that the City Council conduct a public hearing to obtain citizen comment and consider adopting an Ordinance to amend the Community Development Block Grant (CDBG) Program “Citizen Participation Plan”. (Ord 0-2007-63)**

Councilman Alworth made the motion to approve with no citizen comments; seconded by Councilman Sanders; motion carried 6-0; approved as presented.

## **RESOLUTIONS**

**R-1 Request that the City Council consider adopting a Resolution ratifying submission of an application for Federal Aviation Administration (FAA) Grant Funds in the amount of \$2,274,369.00 for the purpose of designing and constructing the Runway Safety Area Improvement Project of Runway 31; performing required Environmental Assessments for Runway 4-22 Extension and Runway 4 Visibility Zone improvements; and performing the complete design for the Runway 4 Visibility Zone Improvement project. This Resolution also accepts any grant amendments to increase the grant funding levels, and also authorizes the City’s match payment not to exceed 5 percent for proposed grant projects. (Res. R-2007-21) This is grant number 22 not 21.**

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

**ORDINANCES**

- O-1 Request that the City Council conduct a public hearing to obtain citizen comment and consider adopting an Ordinance amending the Community Development Block Grant (CDBG) Program 1999-2000, 2000-2001, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007 Action Plans and approve the reprogramming of funds. (Ord 0-2007-64)**

Councilman Alworth 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 the Land Use Chart in the Zoning Ordinance in Tyler City Code Chapter 10 to allow Fruit and/or Vegetable Sales in a C-1 Zone if approved by a Temporary Use Permit. (Ord 0-2007-65)**

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

**MISCELLANEOUS**

- M-1 Request that the City Council consider approval of a Certificate of Appropriateness for the proposed alteration of a historic landmark by Marvin United Methodist Church at 300 West Erwin Street, Tyler, Texas.**

Mayor Pro Tem Simons 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 approve the Final Payment to Contractor and Reconciliation Change Order, in the amount of \$12,119.23, to L & L Asphalt Corporation for the construction of the Boldt Avenue Parking Lot Improvements at Golden Road Park.**

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

- M-3 Request that the City Council consider awarding the contract for the 2006 CDBG Proyecto Rosalinda Target Area Curb and Gutter in the amount of \$245,157.50 to Simon T aylor & Sons, Incorporated. ©**

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

- M-4 Request that the City Council consider authorizing the City Manager to award the construction contract for the Earl Street Bridge Replacement Project, to the low bidder – East Texas Bridge, Incorporated, in the amount of \$313,592.00. ©**

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

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**M-5 Request that the City Council authorize the City Manager to execute Change Order Number 1 for Contract Number TYL – 250, in the amount of \$56,680.00 to Diamond Enterprises, Incorporated, Gloster, MS for the cleaning and painting of the GE (American Standard) and Copeland Road Elevated Storage Tanks. ©**

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

**M-6 Request that the City Council consider ratifying payment to Boren – Scott Title Company in the amount of \$593,250.11 for acquisition of right-of-way for Grande Boulevard Phase 2.**

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

**M-7 Request that the City Council consider ratifying payment to Boren – Scott Title Company in the amount of \$339,263.92 for acquisition of right-of-way for Grande Boulevard Phase 2.**

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

**M-8 Request that the City Council consider authorizing the City Manager to amend the Professional Services agreement, with Schaumburg & Polk, Incorporated, for the design of Grande Boulevard, Phase 2, expanding the scope of services and increasing the fee by \$375,945 for a new total contract amount of \$1,925,645. ©**

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

**M-9 Request that the City Council consider ratifying the execution of an access agreement to Mezayek Building, LTD in association with the Hamilton Commons @ Cumberland. ©**

Councilman Moran made the motion; seconded by Councilman Caraway; motion carried 5-0-1; approved as presented. Alworth opposed.

*Mayor Left*

**M-10 Request that the City Council consider ratifying the execution of an easement to Sunoco Pipeline L.P. for the relocation of a gas pipeline associated with the Grande Boulevard, Phase 2A project.**

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

**M-11 Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$609,724.70, to Reynolds & Kay, Ltd., for the construction of the Skidmore Lane Water and Sanitary Sewer Improvement project. ©**

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

**Mayor Return**

**M-12 Request that the City Council consider authorizing the City Manager to approve an Amendment to a Lease between the City of Tyler and Edom Bakery, LLC, to add the Restaurant space located in the Tyler Pounds Regional Airport North Side Terminal, to Edom Bakery's current airport concession lease. ©**

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

**M-13 Request that the City Council consider authorizing the City Manager to award the contract to construct Runway 13 Runway Safety Area Grading Improvements at Tyler Pounds Regional Airport to Reynolds and Kay, Ltd. in an amount not to exceed \$864,448.96 and recommend that the Half Cent Sales Tax Board authorize the 5 percent local share totaling \$43,223.00. ©**

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

**M-14 Request that the City Council consider awarding the contract for the 2005 Hunters Glen Public Facilities Street Improvement Target Area Project in the amount of \$127,198.50 to A. E. Shull & Company. ©**

Councilman Sanders made the motion; seconded by Councilman Caraway; 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 purchase of a Diesel Generator for Fire Station Number 1, located at 218 E. Elm, from the low bidder East Texas Power Equipment, Incorporated, in the amount of \$16,186.00.**

**C-A-2 Request that the City Council Consider authorizing the City Manager to exercise a three-year contract option renewal with Absolute Wrecker, Crow Towing, Campbell's Towing and Recovery, Hi-Way Towing, and Liberty Services, Incorporated for non-consent police tows at an approximate annual cost of \$18,000. ©**

**C-A-3 Request that the City Council approve the 2007 Asphalt Overlay plans and specifications and authorize advertising the project for bid.**

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- C-A-4 Request that the City Council consider approving the 2007 Slurry Seal plans and specifications and authorize advertising the project for bid.
- C-A-5 Request that the City Council authorize the payment to Landmark Title in the amount of \$46,670.97 for acquisition of right-of-way for Lake Placid Road.
- C-A-6 Request that the City Council consider ratifying the execution of an easement to ATMOS Energy for the relocation of a gas pipeline associated with the Grande Boulevard, Phase 2A project.
- C-A-7 Request that the City Council consider authorizing the City Manager to expend funds in the amount of \$45,100.00 to Motion Industries for the emergency purchase of Carrousel Aerator gear box.
- C-A-8 Request that the City Council ratify the sale of one City surplus vehicle to Smith County Constable Precinct 2, for a total amount of \$3,000.00, and four City surplus vehicles to the City of Grand Saline for a total amount of \$10,100.00.
- C-A-9 Request that the City Council consider authorizing the City Manager to renew an agreement with the United States Department of Justice, Drug Enforcement Administration to provide for the Tyler Police Department's continued participation in the East Texas Drug Task Force. ©
- C-A-10 Request that the City Council consider authorizing the City Manager to pursue and accept a grant for surveillance equipment through the Office of National Drug Control Policy (ONDCP) & Counterdrug Technology Assessment Center (CTAC) for the Police Department.

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. *Annual Budget Process halfway through/Invitation for Council Input*
2. *Recognition of Intern Leslie James*
3. *Councilmember Simons requested Update on Airport Bridges*

**RECESS FOR EXECUTIVE SESSION** – City council convened into executive session at 10:37 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 551.071 "Litigation" deliberation regarding the following:**

1. **Pending or contemplated litigation involving Algonquin company and their service area.**

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Councilman Moran made the motion to authorize condemnation proceedings against Algonquin for all utility lines located within City limits; seek approval from TCEQ to provide services to certain properties located within the area now served by Algonquin within City limits, with precondition that City reach indemnification agreement with either landowner or developer to which City provides services; seconded by Councilman Alworth; motion carried 6-0; approved as presented.

2. **Pending or contemplated litigation involving Transit Services** *No Final Action*
3. **Pending or contemplated litigation involving The Cascades** *No Final Action*

City Council reconvened from executive session at 11:27 a.m. taking the action above.

**ADJOURNMENT**

Mayor Pro Tem Simons made the motion to adjourn the meeting at 11:29 a.m.; seconded by Councilman Moran; motion carried 6-0; meeting adjourned.

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

**A T T E S T:**

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**CASSANDRA BRAGER, CITY CLERK**