

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
October 27, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 27, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Ralph Caraway
Councilmembers: Martin Heines
Donald Sanders
Mark Whatley
Sam Mezayek
Jason Wright

City Manager: Mark McDaniel
Asst. City Manager: Scott Wall
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
City Engineer: Carter Delleney
City Fire Chief: Neal Franklin
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Housing Service Manager: Andy Davis
Budget/Internal Auditor: Keidric Trimble
Director of Utilities & Public Works: Greg Morgan
Traffic Engineer: Peter Eng
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Caraway.

Motion by Mayor Pro Tem Caraway to approve the October 13, 2010 minutes; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Mayor presented the Mayor for the Day, Samuel Hartnauger

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

We would like to recognize the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you make to our organization. These employees represent over **20-years** of service with the City of Tyler.

October 27, 2010

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
10/29/1990	Jerry	Moore	Equipment Operator II	Code Enforcement	20

A-2 New Hires Recognitions

The following employees were hired by the City of Tyler during the months of October 2010. We would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Natalie	Bradley	Certified Housing Specialist	Neighborhood Services
Brannan	Emery	Developmental Certified Housing Specialist	Neighborhood Services

ZONING

Z-1 APPLICATION Z10-10-076 BROADWAY SOUTH DEVELOPMENT A NO. 2, LTD (8850 BROADWAY AVENUE)

Request that the City Council consider approving a site plan amendment to allow for the construction of an automotive service center. (O-2010-103) Councilmember Whatley exit

Motion by Councilmember Wright; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as presented.

Councilmember Whatley returns

Z-2 APPLICATION Z06-10-047 CYNTHIA RUHL (7487 OLD JACKSONVILLE HIGHWAY)

Request that the City Council consider a zoning change from "C-1", Light Commercial District to "PCD", Planned Commercial Development District with an original site plan. (O-2010-104)

Motion by Councilmember Heines; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Z-3 DEVELOPMENT PLANS FOR TEXAS COLLEGE AND UNIVERSITY OF TEXAS AT TYLER



October 27, 2010

Request that the City Council consider adopting the Texas College Area Development Plan and the University of Texas at Tyler Area Development Plan as guides for making decisions for the future growth and development of the districts. (O-2010-105)

Wendy Shabay, Freese & Nichols – Gave a brief overview and recommendations on the final results of the Texas College Area Development Plan and the University of Texas at Tyler Area Development Plan as guides for making decisions for the future growth and development of the districts

Kimberley Tomio, 316 Mockingbird Lane- Stated that the Art Museum is excited about this project and very proud to be in that district, but wanted to be sure that they are not in an overlay zone. There is a dynamic that is going on that should be taken advantage of and that is the fact that the Art Museum has designed a new facility that will be placed on the corner of Lazy Creek and University that will create a much more excited and vibrant district.

Councilman Whatley – Stated that this is a guide but there needs to be plans for development in the University District. They are both fairly landlocked now and we need to look toward the future because they are important entities within our community that we need to help move along and develop.

Motion by Councilmember Whatley; seconded by Councilmember Heines motion carried 7 - 0 & approved as presented

Z-4 APPLICATION F10-10-108 COUNTRY CLUB ESTATES, FIFTH AMENDMENT, AMENDING REPLAT OF LOTS 27 & 28 OF COUNTRY CLUB ESTATES
Request that the City Council consider approving a plat and the waiver of required street improvements including \$9,793 in escrow for a one lot subdivision.

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-5 APPLICATION S10-10-005 MANUEL PACHECO (2903 VAN HIGHWAY)
Request that the City Council consider a request for a Special Use Permit on Lot 26 of NCB 687B, to allow for the operation of a home based one-chair salon for one year. (O-2010-106)

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

Z-6 QUIET ZONE INITIATIVE
a. C09-10-016 (CLAUDE STREET) (O-2010-107)
b. C09-10-014 (BORDER AVENUE) (O-2010-108)
Request that the City Council consider closing portions of right-of-way known as Claude Street and Border Avenue.



October 27, 2010

Allen Bell, 405 Greenway Circle – Thanked the Mayor, Council and Staff for taking the time and effort to go through this initiative by looking and considering it. It's important to downtown as we maintain what we have and make the improvements for the future. The peace and quiet can be had during those times of improvements.

Chris Simons, 2420 Oak Lane, Vice President of Heart of Tyler Board - Stated that with a majority consensus of the board they approve this initiative. The board feels like not only is it coming out of Tyler 21 Plan, where it was first rolled into the downtown plan, this has huge ramification for economic impact for the downtown district. In our Tyler 21 study there was an analysis that we could have an upwards of 7,000 folks living in the downtown area. Once we get over this hurdle of some of the noise issues and the aspect of the train horn going through the downtown district we will soon realize those new numbers are a great initiative. The other aspect is safety. As far as the traffic concerns and with the street closures, taking the gates off of Border and closing Border is just a win win. We don't have gates at Palace and that is a five lane roadway, it is very dangerous to just have flashing lights. People want to beat the train at Palace and that is an accident waiting to happen. By enhancing and taking these gates off of Border and relocating to Palace is just a real smart move to protect our citizens when they travel day in and day out up and down Palace. We are all in favor of it from the Heart of Tyler perspective and just appreciate your perspective on it.

Mary M. Lindsey, 1000 W. Claude Street – Stated that she finally agreed to close her street but as far as the train blowing its horn it really doesn't bother her because she looked forward to them blowing their horn. Ms. Lindsey stated that the street on Grand Street has a lot of pot holes and needed to be fixed. Along that street at night is very dark and people come and dump and now it's a dumping ground. The creek is running and when we get a big rain it runs pretty bad so something will need to be done about that. On Claude Street where Grand meets there is a creek that needs to be fixed and also walkways in front of her house need to put in.

Cheryl Woods, 2310 Crescent Park Houston Texas – Stated that she was here for her father, Dr. C.L. Henry who owns the property across the street from St. James Church. He is planning on doing something with his property and is opposed to closing Border because of the ramification it may have. He is also concerned if Border is closed then it will re-route some traffic to Bonner. There are five streets that are converging with no traffic light and he is concerned that there could be a terrible accident there. Also the drainage is terrible on Bonner.

Councilmember Mezayek – Stated that where the line streak is connected, will property from St. James Church have to be taken in order to do what we need to do?

Barbara Holly, Director of Planning & Zoning – Stated that the church has offered to donate property.

Councilmember Mezayek – Stated that Ms. Lindsey brought up an excellent question if we are going to close Claude the cars in that neighborhood will have to go back into the

October 27, 2010

neighborhood to go different ways. What are the condition of those roads if we are going to put additional traffic on them?

Barbara Holly, Director of Planning & Zoning - When the traffic count was done the traffic was very minimal. What we looked at rather than the road condition was what was it going to do to our emergency vehicles if they had to re-route.

Councilmember Sanders – Stated that he appreciated the work that the different departments had done in working with the citizens to come to an agreement that we all can live with.

Motion by Councilmember Sanders; seconded by Councilmember Heines motion carried 7 - 0 & approved as presented.

Z-7 APPLICATION Z10-10-069 DENNIS WALKER (3219 GRAND AVENUE)
Request that the City Council consider a zoning change from "R-2" Two-Family Residential District to "R-1B" Single-Family Residential District. (O-2010-109)

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented

Z-8 APPLICATION Z10-10-072 DENNIS WALKER (1214 WEST HOUSTON STREET)
Request that the City Council consider a zoning change from "R-2" Two-Family Residential District to "R-1B" Single-Family Residential District. (O-2010-110)

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

Z-9 APPLICATION Z10-10-070 DENNIS WALKER (1104 WEST 33RD STREET)
Request that the City Council consider a zoning change from "R-2" Two-Family Residential District to "R-1B" Single-Family Residential District. (O-2010-111)

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

Z-10 APPLICATION Z10-10-077 DARRELL NUNN (2521, 6706, 6732, 6738, 6744, 6750, 6758, 6766 & 6850 AMBER CIRCLE) (O-2010-112)
Request that the City Council consider a "PUR", Planned Unit Residential District, site plan amendment.

October 27, 2010

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

**Z-11 APPLICATION Z10-10-074 JANIE LEE HARWOOD (1116 TRAVIS STREET)
Request that the City Council consider a zoning change from "R-2" Two-Family Residential District to "RPO", Restricted Professional Office District. (O-2010-113)**

Motion by Councilmember Heines; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented.

**Z-12 APPLICATION Z10-10-075 GLENN SMITH (5504, 5508, 5512, 5516, 5520, 5602, 5606, 5620, 5630, 5710, & 5720 HOLLYTREE DRIVE)
Request that the City Council consider a zoning change from "R-1A" Single-Family Residential District to "PUR", Planned Unit Residential District. (O-2010-114)**

Motion by Councilmember Mezayek; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by modifying the existing school speed zone for Griffin Elementary. (O-2010-115)

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

O-2 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by creating a new school speed zone for Cumberland Academy along a portion of Chad Drive. (O-2010-116)

Motion by Councilmember Wright; seconded by Mayor Pro Tem Caraway; motion carried 7 - 0 & approved as presented.

O-3 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, by changing the speed limit from 20 mph to 25 mph for an existing school speed zone for Andy Woods Elementary. (O-2010-117)

Motion by Councilmember Wright; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

MISCELLANEOUS

- M-1** Request that the City Council consider authorizing the City Manager to enter into a development agreement with Werner-Taylor Land & Development, L.P. for street improvements related to Cross Pointe at the Crossing in the amount of \$122,226. ©

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

- M-2** Request that the City Council consider authorizing the City Manager to award a Parking Management Contract bid to the firm of AMPCO System Parking to provide parking management services for Tyler Pounds Regional Airport ©

Motion by Councilmember Heines; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.



- M-3** Request that the City Council consider authorizing the City Manager to award the Transit Parking Lot Improvement Project for Tyler Transit to Wall Enterprises in an amount not to exceed \$ 215,110. ©

Motion by Councilmember Whatley; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented.

- M-4** Request that the City Council consider approving the Property and Casualty Insurance and claims handling contracts for the City of Tyler for fiscal year 2010-2011 as the first of two 1-year renewal options authorized in 2009. ©

Motion by Councilmember Whatley; seconded by Mayor Pro Tem Caraway; motion carried 7 - 0 & approved as presented.



- M-5** Request that the City Council consider authorizing the City Manager to execute Work Order No. 4, in the amount of \$135,000, to Wisenbaker Fix and Associates for Resident Project Representative Services during construction of the Highway 69 and Interstate 20 Water Improvements project. ©

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Wright; motion carried 7 - 0 & approved as presented.

- M-6** Request that City Council consider ratifying a contract signed by the City Manager with Reliant Energy dated September 23, 2010 for Street Lighting and authorize the City Manager to execute an additional contract for other accounts that are not currently under contract. © ©

Motion by Mayor Pro Tem Caraway; seconded by Councilman Heines; motion carried 7-0 & approved as presented.

October 27, 2010

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item).

C-A-1 Request that the City Council consider authorizing the City Manager to purchase a new Classifier System (WEMO Model 1000C), from HRM Environmental, Bedford, Texas in the amount of \$63,374 to replace Classifier No. 1 at the Southside Wastewater Treatment Plant.

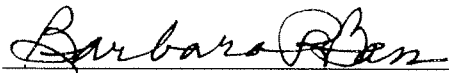
C-A-2 Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.

Motion by Mayor Pro Tem Caraway to approve the entire consent agenda; seconded by Councilmember Whatley; motion carried 7-0 & approved as presented.

CITY MANAGER'S REPORT –Nothing reported

ADJOURNMENT

Motion by Mayor Pro Tem Caraway to adjourn the meeting at 10:39 am; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

