Minutes of Special Meeting held January 6, 2009

Special meeting with the following present: Mayor Mark Bowen; Aldermen Jerry Stone, Ward Sanders, Erik Dahler, Rudy Hernandez; City Secretary Josie Campa; City Attorney Tom Cate; and Director of Public Works James McGrath. Alderman Sam Cortez was absent.

Visitors: Johnathan Bowen, David Bently, Jay Dahler.

Mayor Bowen opened the meeting at 6:30 p.m., and announced the purpose for the meeting.

David Bently from Auto Zone thanked Council for having the special meeting. Mr. Bently told Council about the company and said the Lytle store will probably employ 15 to 20 people.

Mr. Bently told Council that they had looked at the building plans and tried to reconfigure them to keep from having to cut down the oak tree, and they could not find a way to do this. He asked Council for guidance in trying to resolve this matter.

Mayor Bowen asked the City Attorney to explain some of the options that are available to Council.

City Attorney Tom Cate told Council that Council can mitigate for the heritage oak tree and recommended Council consider the age of the ash trees and waivers be given for the ash trees and mesquite tree. Mr. Cate told Council that the mitigation part of the tree ordinance calls for the party paying the lesser of $2,000.00 or the value of the tree in question. Mr. Cate also told Council that the ordinance calls for heritage trees be mitigated at a ratio of 2 inches for every 1 inch of heritage tree to be removed.

Mr. Bently told Council that Auto Zone can replace the trees. Mayor Bowen said the trees replacing the removed trees can be planted throughout the city. Mr. Bently said Auto Zone is willing to plant trees to be able to remove the heritage oak tree.

Council discussed variances on the tree ordinance with Mr. Bently and the City Attorney at length and asked several questions about construction time frame, location of where trees would be planted, and type of trees to replace trees being removed.

Mr. Bently told Council he could negotiate within reason for Auto Zone.

Council discussed trees being maintained after being planted and whether trees being planted would satisfy people more than receiving money for trees.

Mr. Bently said Auto Zone will be glad to plant trees on their property, but not elsewhere, and will plant trees to meet ordinance requirement. Council discussed the number of inches of trees that could be planted and reviewed the plans and tree survey with Mr. Bently.

Mr. Bently told Council he could probably commit to planting 6 to 7 trees on their property to replace the trees to be removed and showed Council where these trees could be placed on their property. Mr. Bently said Auto Zone would want to have trees planted by the end of construction.

Council discussed the size of the trees to be planted and it was agreed 2 ½ inch trees would be acceptable, Council also discussed the type of trees to be planted.

Alderman Stone asked Mr. Bently what he felt Auto Zone could pay the city, along with the planting of trees. Mr. Bently told Council he felt Auto Zone could pay $3,000.00 and plant seven (7) 2 ½ " oak trees to replace the four trees that need to be cut down.

Alderman Stone made the motion that Council approve the removal of the four trees by Auto Zone and in return Auto Zone will plant seven (7) 2 ½ " oak trees (type of oak tree to be specified at later time) and pay the city's tree fund $3,000.00. Seconded by Alderman Dahler. VOTE: FOR-Aldermen Stone, Dahler and Sanders. OPPOSED-Alderman Hernandez. Discussion on variance of mesquite trees and ash tree and mitigating for oak tree.
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Alderman Dahler suggested that Council undo the first motion to clarify matters on the variance and mitigation.

Alderman Stone made the motion that Council rescind the previous motion. Seconded by Alderman Dahler. Passed unanimously.

After more discussion, Alderman Stone made the motion that Council grant Auto Zone a variance to allow Auto Zone to remove all trees on said property except for 20 inch pear tree on north side of property; 24" mesquite tree at back side of property and 30" live oak tree at back of property and subject to mitigation as follows: Auto Zone will plant seven (7) 2 ½ inch oak trees (variety of oak to be specified later) and pay $3,000.00 to city’s tree mitigation and replacement fund. Seconded by Alderman Dahler. VOTE: FOR motion—Aldermen Stone, Dahler and Sanders. AGAINST motion—Alderman Hernandez. Motion carried.

Meeting adjourned at 7:38 p.m.

Mayor

City Secretary