

**MINUTES OF THE
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 24, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 24, 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
	Derrick Choice
	Chris Simons
	Charles Alworth
Deputy City Manager:	Mark McDaniel
City Attorney:	Gary Landers
Deputy City Attorney:	Steve Kean
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
Director of Solid Waste:	Dan Brotton
Operations Manager:	Greg Morgan
Traffic Engineer:	Kirk Houser
Tyler Transit:	Leon Alder
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Choice.

Mayor Seeber recognized Legacy Fellows members associated with Sky Ranch.

Councilman Alworth made the motion to approve the minutes for the October 24, 2006 and November 8, 2006 City Council meetings; seconded by Councilman Choice; motion carried 7-0; approved as presented.

ZONING

Z-1 APPLICATION Z12-06-134B SAM L. WELLS

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 in Marshall University Survey, Abstract 624, Tract 13B (Volume 1545, Page 362, Smith County Records), one (1) lot totaling

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approximately 2.079 acres located approximately 920± feet south and east of the intersection of Old Jacksonville Highway and Rice Road (5424 Old Jacksonville Highway). The application is requesting a zoning change to allow for the development of a restaurant. *(Ord. No. 0-2007-6)*

Councilman Moran made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

Z-2 APPLICATION S12-06-135B BAKER ATLAS

Request that the City Council consider a request for a Special Use Permit for a period of two (2) years to allow for a temporary building to be used as office space on Lot 46 of NCB 852T, one lot totaling approximately 2.2 acres located southeast of the intersection of John Carney Drive and Robertson Road (1430 John Carney Drive). The property is currently zoned “M-1” Light Industrial District. *(Ord. No. 0-2007-6)*

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0; approved as presented.

Z-3 APPLICATION Z12-06-132B THE MOST REV. ALVARO CORRADA DEL RIO, S.J.

Request that the City Council consider a request to change the zoning from “R-1A” Single Family Residential District to “POD” Planned Office District with final site development plan approval on a portion of Lot 21-B of NCB 1320, approximately 2.3 acres located at the northwest corner of the intersection of Shiloh Road and Chad Drive. *Appeal withdrawn*

Z-4 APPLICATION Z12-06-133B THE MOST REV. ALVARO CORRADA DEL RIO, S.J.

Request to change the zoning from “R-1A” Single Family Residential District to “PMF” Planned Multi-Family District with final site development plan approval on a portion of Lot 21-B of NCB 1320, approximately 6.97 acres located north and west of the intersection of Shiloh Road and Chad Drive. *Appeal withdrawn*

PRESENTATIONS

P-1 Request that the City Council receive a presentation from the Neighborhood Services Department regarding the City’s Neighborhood Empowerment Works (NEW) 2006 Fall Program.

Brenda Johnson, Director of Neighborhood Services — Stated that last spring, the City launched an intense and customized effort to address code violations and service needs at the neighborhood level. This new effort, coordinated by the City’s Neighborhood Services Department entitled Neighborhood Empowerment Works (NEW), successfully completed its second pilot effort last month.

The NEW program is designed to enhance the quality of life for Tyler neighborhood residents through the concentrated delivery of services and programs provided by the City. Working in partnership with the neighborhoods, the City’s goal is to raise awareness of code and zoning ordinances, provide information on accessing City services and promote clean and safe neighborhoods.

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The NEW program is intended for neighborhoods throughout the City that have been identified as having high code and zoning violations and a variety of needed improvements to and concerns with trash/brush, street lighting, and dilapidated housing stock. Each NEW program begins with a three to four week concentrated effort by the City of Tyler. These services are planned and scheduled as a result of the City's pre-assessment of needs for each designated neighborhood along with the concerns and suggestions provided by the residents at neighborhood meetings.

At the conclusion of each of the clean up periods, a progress report and celebration neighborhood meeting will be held to solicit feedback from the residents on how we, the City of Tyler in partnership with the neighborhood, performed in addressing the identified needs. Post assessment evaluations are provided by the City and discussions are initiated on how the neighborhood will continue the improvement efforts.

Brenda also showed a presentation of the NEW program.

RESOLUTIONS

- R-1 Request that the City Council consider adopting a Resolution authorizing the conveyance of City-owned real property located at 1302 W. Paul Street and 1326 W. Paul Street and ratifying the award of bid for the reconstruction of nine (9) single family dwellings. (Res. No. R-2007-5)**

Brenda Johnson, Director of Neighborhood Services – Stated that as part of the City initiative to assist eligible low-income homeowners with bringing existing substandard housing units into compliance with local housing and building codes, the City sponsors a Homeowner Rehabilitation and Reconstruction program which is funded with CDBG and HOME funds. The primary purpose of the program is to assist in the removal of code violations and improve through rehabilitation efforts the long term, structurally sound housing stock of the City rather than to assist houses which will continue to be substandard following the infusion of program funds. Projects where the costs of all of the necessary repairs exceed the project budget and projects judged structurally and/or financially infeasible for rehabilitation will also be considered for reconstruction. Reconstruction involves the demolition of the existing substandard dwelling and the rebuilding of the dwelling unit on the same location if location is suitable for rebuilding.

On December 14, 2005, the City Council authorized the City Manager to solicit bids for the rehabilitation of twenty-one (21) substandard dwellings in an amount not to exceed \$35,000 per dwelling. However, it was determined that nine of the structures were financially infeasible for rehabilitation and were bid as reconstructions.

Staff has determined that the lots of two of the previously listed reconstructions are too small for new construction which means that to complete those two projects, the City must find suitable replacement location sites where a reconstruction (new house) can be built. HUD allows the City to purchase the location site and do the building with funds from these programs and the owners are not required to sell their prior location.

On January 11, 2006, the City of Tyler purchased four (4) parcels of land located along Paul Street and one (1) parcel of land located along Gaston Avenue with CDBG funds in an on-going initiative to increase and provide home ownership for low-to moderate-income families who would otherwise not be able to afford ownership of safe and decent housing. Two lots at these locations could be used as replacement lots for the two reconstruction projects listed above and staff is requesting that the City deed Lot 13 (1302 W. Paul Street) and Lot 7 (1326 W. Paul Street) to these families as part of the Owner Rehabilitation/Reconstruction program.

Councilman Alworth made the motion; seconded by Councilman Choice; motion carried 7-0; approved as presented.

ORDINANCES

- O-1 Request that the City Council consider adopting ordinances amending Tyler City Code Chapter 6 by adopting the 2006 International Energy Conservation Code with amendments, (Ord. 0-2008-7) adopting the 2006 International Fuel Gas Code with amendments, (Ord. 0-2007-8) adopting the 2006 International Mechanical Code with amendments, (Ord. 0-2007-9) adopting the 2006 International Plumbing Code with amendments, (Ord. 0-2007-10) and adopting the 2006 International Residential Code with amendments (Ord. No. 0-2007-11).**

Councilman Alworth made the motion; seconded by Councilman Simons; motion carried 7-0; approved as presented.

- O-2 Request that the City Council consider adopting an ordinance amending Chapter 4, "Offenses and Miscellaneous Provisions", by adding new Article VII., "Code Enforcement" authorizing the Solid Waste Director or his designees to enforce local ordinances. (Ord. No. 0-2007-12)**

Councilman Simons made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider authorizing the City Manager to purchase the old Regions Bank building located at 900 W. Gentry Parkway for the amount of \$233,350.00.**



Councilman Choice – Stated that the City is buying the building to be in the community and not necessarily buying the building to be in North Tyler because we have people that utilize the services all over the city.

Councilman Sanders – Stated that this is a unique opportunity to have a building like that in the community to make it convenient for those that we are servicing. The City saw a need for the building instead of letting it set there and rot, so we are proud to have it in our district.

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Larry Meckley, 401 Sutherland – Stated that at the end of the year the city can be proud because of the difference that's being made in Tyler.

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0; approved as presented.

M-2 Request that the City Council consider reviewing and accepting the Revenue, Expenditure and Investment Report for the quarter ending December 31, 2006.

Mayor Pro Tem Smith made the motion; seconded by Councilman Alworth; motion carried 7-0; approved as presented.

M-3 Request that the City Council consider authorizing the City Manager to purchase playground equipment for Noble E. Young Park through the Buy Board Purchasing Cooperative from May Playground Equipment Company of Texarkana, Texas in the amount of \$48,950.00.

Councilman Alworth made the motion; seconded by Councilman Sanders; motion carried 7-0; 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 authorize the payment to Boren – Scott Title Company in the amount of \$14,270.14 for acquisition of right-of-way for Grande Boulevard Phase 2.**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase two John Deere Model 5225 Tractors for a total purchase price of \$42,009.50.**
- C-A-3 Request that the City Council consider authorizing the City Manager to execute a grant agreement with the Texas Department of Transportation (TxDOT) accepting fiscal year 2007 Public Transportation Development Credits in the amount of \$118,500.00 for operational use by the Tyler Transit System. ©**
- C-A-4 Request that the City Council consider authorizing the City Manager to award a five-year leasing contract to Xerox, for a Docucolor 240 Multifunction device. ©**
- C-A-5 Request that the City Council consider ratifying the Emergency Purchase of 240 deep cycle marine batteries for the repair of 30 outdoor warning sirens in an amount totaling \$13,188.00 from Interstate Battery of Tyler.**

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C-A-6 Request that the City Council consider authorizing the purchase of 25 additional Self-Contained Breathing Apparatus (SCBA) 30-Minute Carbon Cylinders and Valve Assembly from the sole source provider MES-Four Alarm in the total amount of \$15,450.00.

Councilman Alworth made the motion to approve the entire consent agenda; seconded by Councilman Choice; motion carried 7-0; approved as presented.

CITY MANAGER'S REPORT

1. *Leon Alder new Transit Manager*
2. *Disc Golf/Ice Bowl, 1/27/07, benefit*
3. *Daddy-daughter sweetheart ball Saturday 2/3/07*
4. *Southern Utilities rate tariff filed and now suspended (300 customers in S. Tyler)*

ADJOURNMENT

Councilman Simons made the motion to adjourn the meeting at 9:45 a.m.; seconded by Councilman Sanders; motion carried 7-0; meeting adjourned.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK