

**MINUTES OF THE  
REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
June 19, 2007**

A regular meeting of the City Council of the City of Tyler, Texas, was held Tuesday, June 19, 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  
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  
Capital /City Projects Coordinator: Bill Ward  
Chief Financial Officer: Daniel Crawford  
Chief Information Officer: Benny Yazdanpanahi  
City Police Chief: Gary Swindle  
Communications/Media Services Coordinator: Laura Krantz  
Director of Planning and Zoning: Barbara Holly  
Director of Utilities & Public Works: Greg Morgan  
Traffic Engineer: Kirk Houser  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Moran.

**AWARDS**

**A-1 Request that the City Council consider accepting, from the Texas Association of Municipal Information Officers, the “TAMI” award for the Tyler 21 Community Visioning Retreat.**

**ZONING**

**Z-1 APPLICATION Z05-07-044B LUIS LICERO**

**Request that the City Council consider a request to change the zoning from “R-3” Multi-Family Residential District and “C-1” Light Commercial District to “R-1B” Single-Family Residential District on Lots 18 and 19 of NCB 201 of the City of Tyler Subdivision as recorded in Book 6031, Page 225 of the deed records of Smith County, two lots totaling approximately 0.17 acres located at the northwest corner of the intersection of N. Bois d’Arc Ave. and W. Bow Street, on the west side of N. Bois d’Arc (305 W. Bow Street and 806 N. Bois d’ Arc Avenue). (Ord. 0-07-66)**

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

June 19, 2007

**Z-2 APPLICATION S05-07-048B RAYMOND PENDLEY**

**Request that the City Council consider a request for a Special Use Permit to allow for a one-table massage studio in an existing building located behind the residence for a period of one year on Lot 6 of NCB 954 of the Tanglewood Addition, Unit 2, as recorded in Volume 2, Page 231 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.34 acres located four lots east of the northeast intersection of Loop 323 SSE and Tanglewood Drive, on the north side of Tanglewood Drive (2726 Tanglewood Drive). (Ord. 0-07-66)**

Mayor Pro Tem Simons made the motion; seconded by Councilman Alworth; motion carried 6-1; approved as presented. (Smith opposed)

**Z-3 APPLICATION Z06-07-049A APOLONIO MOLINA**

**Request that the City Council consider a request to change the zoning from “M-1” Light Industrial District to “R-1B” Single-Family Residential District on Lots 18, 16A and 28 of NCB 65 of the Wimberley Douglas Subdivision as recorded in Book 7727, Page 770 of the D.R.S.C.T., three lots totaling approximately 0.5 acres located one lot north of the northwest intersection of N. Beverly Ave. and E. Erwin St. (114 & 120 N. Beverly Ave. and 720 E. Erwin St.). (Ord. 0-07-67)**

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

**Z-4 APPLICATION Z06-07-050A SERGIO MOLINA**

**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 12 and 13 of NCB 267 of the Belmont Addition as recorded in Book 6809, Page 302 of the Deed Restrictions of Smith County, Texas, two lots totaling approximately 0.25 acres located at the southwest corner of the intersection of South Wall Avenue and Frazier Street (849 South Wall Avenue). (Ord. 0-07-68)**

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

**Z-5 APPLICATION Z06-07-051A JOHN AND ELLEN MUSSELMAN**

**Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional Office District to “AR” Adaptive Re-Use District on Lot 24 of NCB 168 of the Charnwood Addition as recorded in Book 4745, Page 115 of the Deed Records of Smith County, Texas, one lot totaling 0.114 acres located one lot east of the intersection of South Broadway Avenue and East Charnwood Street on the north side of Charnwood Street (110 E. Charnwood Street). (Ord. 0-07-69)**

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

June 19, 2007

**Z-6 APPLICATION Z06-07-052B CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS – PHASE ONE-C**

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 located in the Butler College area for the following six lots:

Lots 82 and 83 of NCB 665B of the Jno. Broughton Subdivision (635 South Ross Avenue and 1208 Grove Street);

Lots 21B and 33 of NCB 851 of the M.F. Turner Subdivision (805 Clark Street and 928 South Turner Avenue);

Lot 28B of NCB 576 of the Academy Heights Subdivision (1901 West Jackson Street); and Lot 8 of NCB 575 of the Academy Heights Subdivision (2110 West Robbins Street).

*(Ord. 0-07-70)*

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

**Z-7 APPLICATION Z05-07-047B CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS – PHASE ONE-B**

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 for the following five lots:

Lot 6 of NCB 581 of the Academy Heights Subdivision (1928 West Jackson Street);

Lot 24A of NCB 856 of the Tubbs Subdivision (835 Tubbs Street);

Lot 11 of NCB 661A of the Butler College Subdivision (1218 South Lyons Avenue);

Lot 1B of NCB 854 of the Herndon’s 2<sup>nd</sup> Subdivision (2304 West Shaw Avenue); and

Lot 67 of NCB 857 of the Herndon’s 1<sup>st</sup> Subdivision (2423 West Jackson Street).

*(Ord. 0-07-71)*

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

**PRESENTATIONS**

**P-1 Request that the City Council receive a presentation from Neighborhood Services Staff regarding the City’s Demolition and Neighborhood Revitalization Projects. *(Removed from the Agenda)***

**RESOLUTIONS**

**R-1 Request that the City Council consider approving a Resolution suspending the July 30, 2007 effective date of the proposal by Atmos Energy Corporation, Mid-Tex Division to implement interim Grip Rate Adjustments for gas utility investment in 2006; and authorize further administrative action as set forth in the Resolution. *(Res. R-2007-22)***

Councilman Moran made the motion to approve the resolution that would postpone the effective date for a period of time, authorize the City of Tyler to join with other cities in a

June 19, 2007

coalition to review this, hire an Austin lawyer, Geoffrey Gay and authorize him to proceed before the Railroad Commission and the courts if that happens; seconded by Councilman Smith; motion carried 7-0; approved as presented.

## **ORDINANCES**

- O-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 10 to revise the Historical Preservation Board membership requirements to include the Executive Director of the Heart of Tyler Main Street Program. (Ord. 0-07-72)**

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

- O-2 Request that the City Council consider adopting an ordinance making an uncontestable finding that all territory included within the City of Tyler since 1986 is part of the City. (Ord. 0-07-73)**

**Barbara Holly, Director of Planning & Zoning** – Stated that the Local Government Code allows cities to adopt an ordinance declaring areas that have been part of the city for at least 20 years to be declared a part of the city subject to certain conditions.

Councilman Smith made the motion; seconded by Councilman Sanders; motion carried 7-0; 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 known as the Fair House, located at 1505 S. Robertson, Tyler, Texas, by Mr. and Mrs. Lorenzo Schmiede.**

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

- M-2 Request that the City Council consider approval of a professional services contract with Planning Concepts for \$65,000.00 to develop a regional trail plan that promotes alternative methods of transportation for the Tyler Metropolitan Planning Organization. ©**

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

- M-3 Request that the City Council consider the award of a contract to HGR General Contractors in the amount of \$3,638,000.00 for the construction of Fire Stations Numbers 7 and 10. ©**

**Mayor Seeber** – Asked what was the reason that the price was much more than had originally been anticipated?

**June 19, 2007**

**Deputy City Manager, Mark McDaniel** - A lot of that has to do with construction cost rising on a daily basis. New items have been added to this station so that it will service well into the future. This fire station will house two companies instead of just one.

**Mayor Pro Tem, Simons** – Stated that there was some extra cost to put in long term roofing, flooring and other items that have been plugged in which ran the cost up a little bit more.

**Capital/City Projects Coordinator, Bill Ward** – Stated that the City did go ahead and design the apparatus ring where it could handle the larger trucks that are being seen today. A quarter for the female fire fighter has been added and the building will be built using quality material so that the facility is somewhat maintenance free.

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

**M-4 Request that the City Council consider authorizing the City Manager to execute a professional services contract with Hawes Hill Calderon LLP to provide certain professional services related to creation of a Tax Increment Financing Zone (TIF). ©**

**Deputy City Manager, Mark McDaniel** – Stated that as an early action item for Tyler 21 related to Downtown redevelopment, this item provides for the services required to create a Tax Increment Financing Zone, or TIF (also sometime referred to as a Tax Increment Reinvestment Zone, or TIRZ).

In the draft Tyler 21 chapter for a Downtown Master Plan, a recommended action item is to:

“Create a Tax Increment Financing (TIF) district to support revitalization investments in streetscape and infrastructure.” The intent of this action is to provide a funding source to reimburse early public investments (such as streetscaping and infrastructure) to attract private investment and instill confidence that such private investment will be protected. It is not the intent of the City to issue debt against future TIF revenues, but to directly fund or reimburse the City for pay-as-you-go improvements. Initially, a 30 year life for the TIF is anticipated, but may be recommended to be fewer or additional years after further analysis.

A TIF captures any new value added to a particular zone, either through new improvements or market/appraisal increases on existing land and improvements. It is not an additional or new tax, but a dedication of the levy created from the existing taxes for a particular area to fund improvements in that same area. A TIF should be in place before any major reinvestment occurs so the new value may be captured. Conceptually, revenue generated from the captured levy grows from year to year, with early years seeing less revenue due to lower captured values.

**Councilman Moran** – Stated that he hoped whenever the City reached the decision about discretion, that the TIF funds would not be used to reimburse the group the \$90,000. It should come out of the General Fund and leave the TIF revenue funds for economic development.

June 19, 2007

Mayor Pro Tem Simons made the motion; seconded by Councilman Alworth; 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 consider authorizing the City Manager to award the fuel bid number 07-031 to Beekat Oil & Fuel, of Tyler, Texas.
- C-A-2** Request that the City Council consider authorizing the City Manager to award the wrecker service bid number 07-028 to Crow Towing Service, of Tyler, Texas.
- C-A-3** Request that the City Council consider authorizing the City Manager to execute a Public Right-of-Way Easement with the Tyler Independent School District for the erection of a fence along the south edge of the Bonner Elementary School property (235 Saunders) which will encroach approximately 3 feet onto the City of Tyler's property.
- C-A-4** Request that the City Council consider authorizing a Surface Use Agreement for 104.69 acres of City of Tyler owned property at Lake Tyler to the Camp Tyler Foundation.
- C-A-5** Request that the City Council reject Bid Number 07-001 and declare the structure and lot located at 128 Barbee, as surplus and authorize the City Manager to advertise for bids and sell the structure with a minimum selling price of \$2,500.00 and \$5,000.00 for the lot.
- C-A-6** Request that the City Council consider awarding Sentry general Contractors a contract to perform renovations to the City's Training Room located at 212 N. Border in the amount of \$12,500. ©
- C-A-7** Request that the City Council declare Lots 17, 18A, 19 and 29 of the Yarborough, Williams and McNew Subdivision as surplus property and authorize the City Manager to advertise for bids and sell lots 19, 18A and 29 for a minimum of \$1,000.00 each and lot 17 for a minimum of \$2,000.00.

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

## **ADJOURNMENT**

**June 19, 2007**

Councilman Moran made the motion to adjourn the meeting at 9:52 a.m.; seconded by Councilman Sanders; motion carried 7-0; 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**