

**MINUTES OF THE
SPECIAL CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
August 22, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 8, 2012 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Mark Whatley
Councilmembers:	Martin Heines
	Darryl Bowdre
	Sam Mezayek
	Ralph Caraway
	Jason Wright
City Manager:	Mark McDaniel
City Attorney:	Gary C. Landers (absent)
Deputy City Attorney:	Steve Kean
Managing Director for Administration:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Interim Chief Financial Officer:	Keidric Trimble
City Engineer:	Carter Delleney
& Police Chief:	Gary Swindle
Managing Director of External Relations & Communications Director:	Susan Guthrie
Director of Parks and Recreation:	Stephanie Rollings
MPO Executive Director/Transit Director:	Barbara Holly
Director of Solid Waste:	Dan Brotton
City Planner:	Heather Nick
Water Business Office Manager:	Jim Yanker
Managing Director for Utilities/Public Works and Utilities:	Greg Morgan
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Bowdre.

MINUTES

Councilmember Caraway made the motion to approve the August 8, 2012 minutes; seconded by Mayor Pro Tem Whatley; motion carried 7-0.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 SERVICE AWARDS

We would like to recognize the following employee for his 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. This employee represents over **20-years** of service with the City of Tyler.

August 22, 2012

RETIREE AWARDS

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
1/6/1992	Greg	Booth	Utilities Construction Inspector	Water Administration	20

A-2 BLUE PRINT AWARD

Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

Mayor Bass recognized Guillermo Garcia as the Blueprint Blue Ribbon Award winner, for placing the highest premium on responsiveness to citizens' needs.

A-3 RECOGNITION AWARDS

Request that the City Council consider accepting the "Distinguished Budget Presentation Award" for its Fiscal Year 2011-2012 Budget document from the Government Finance Officers Association of the United States and Canada.

PUBLIC HEARINGS

H-1 Request that the City Council consider conducting the a public hearing on the proposed fiscal year 2012-2013 Budget and on the proposed property tax rate of \$0.207708 per \$100 of taxable property value and consider taking action to adopt the proposed tax rate on September 12, 2012 at the City Council's regular scheduled meeting.

City Manager, Mark McDaniel – Gave a brief presentation concerning the proposed fiscal year 2012-2013 budget.

Verna Hall, 1018 Wilmington Pl, Tyler Museum of Arts – Thanked the City Council for the support given over the past years. Mrs. Hall asked the City Council to reconsider funding the Tyler Museum of Art.

Reneta Nunn, 119 Settlers Court, Palestine, Tx. – Spoke in favor of the Tyler Museum of Art.

John Gibson, 1147 Fairway Dr. W. Hideaway, Tx. 75771– Stated that he was impressed with Tyler and all the different cultural tourism draws that it offers. Mr. Gibson asked City Council to stay in this beneficial partnership with the Tyler Museum of Art now and in the future.

Larry Meckley, 401 Sutherland – Stated that this budget is unacceptable and City Council cares more about rebuilding downtown Tyler than other things.

August 22, 2012

Susan Thomae-Morphew, 3416 Cameron Avenue, Executive Director of the UT Tyler Cowen Fine and Performing Art Center – Stated that she was here to address the Hotel Motel tax and the omission of the Tyler Museum of Art for funding. She stated that it is heartbreaking for the City to not find balance in the institutional support of this forty one year old organization while exploring and investing in new. Mrs. Morphew asked City Council to reconsider their support of the Tyler Museum of Art and once again open the door for all organizations providing these services for our great City to apply for HOT funding and for all of us to flourish.

Mitzie Avera, 1358 W. Richards, St. Paul Childrens – Wanted to express their thanks to the City Council for their support.

Councilmember Heines – Stated that he was inclined to reinstate the Tyler Museum of Art back in the budget however he has some issues that could possibly be discussed at the next meeting. In the submission, the organization did not have core audits for the last two years and the budget was an accrual instead of actual numbers. Also he would like a full accounting of the capital plan, request a slot on the board, and prior to funding discuss, what are the future plans for the organization.

Councilmember Mezayek – Stated that he would be concerned if the money the City is providing is an exorbitant amount of their budget funding and if we are the main funding source then that is problematic.

Councilmember Bowdre – Stated that precedent has been set with past councils that you take a look at what the organization was funding, the fiscal accountability and once they meet these benchmarks, we will go back with the organization.

ZONING

Z-1 APPLICATION F08-12-089 NATHANSON ADDITION, FINAL PLAT

Request that the City Council consider approving the final plat for a one lot subdivision containing approximately 3.88 acres of land located south of the southwest intersection of County Road 175 and County Road 173, and a waiver of \$35,500 in escrow for street improvements to County Road 173.

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

Z-2 APPLICATION S08-12-008 DOUGLAS THOMPSON (3409 McMILLAN DRIVE)

Request that the City Council consider approving a Special Use Permit to allow for the operation of a home based one-chair salon for a one year period of time. (O-2012-61)

Stacey Ludford, 3409 McMillan Dr. – Stated that she has been a hair dresser for 21 years. Mrs. McMillan stated that she has been operating the salon since September and when she is in operation people are at work.

August 22, 2012

Tina Beason, 3330 McMillan Dr. – Stated that she home schools her three boys and is very protective of traffic on this street. Mrs. Beason stated that she would not be in favor of anything that would put her boys in danger. Mrs. Beason stated that they are very appreciative of nice neighbors and Mrs. McMillan salon is an asset to the community.

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

Z-3 Z08-12-046 DAVID BROOKS (2112 WEST GENTRY PARKWAY)
Request that the City Council consider approving a zone change from “C-1”, Light Commercial District to “C-2”, General Commercial District. (O-2012-62)

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

Z-4 APPLICATION Z08-12-047 CUMBERLAND ACADEMY (1040 SHILOH ROAD)
Request that the City Council consider approving a zone change from “POD”, Planned Office Development District to “R-1A”, Single-Family Residential District. (O-2012-63)

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

Z-5 APPLICATION Z08-12-048 FRED & BARBARA SHAMSELDIN (215 E. FERGUSON STREET)
Request that the City Council consider approving a zone change from “M-1”, Light Industrial District to “DBAC”, Downtown Business, Arts and Culture District. (O-2012-64)

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

Z-6 APPLICATION Z08-12-049 GLORY REAL ESTATE PARTNERS (5821 RHONES QUARTER ROAD)
Request that the City Council consider approving a zone change from “AG”, Agricultural District to “R-1B”, Single-Family Residential District and “R-1D”, Single-Family-Detached and Attached Residential District. (O-2012-65)

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

Z-7 APPLICATION Z08-12-050 HABITAT FOR HUMANITY (1206, 1208, 1215 NORTH WHITTEN AVENUE)
Request that the Planning and Zoning Commission consider recommending a zone change from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District, and “R-1D”, Single-Family Detached and Attached Residential District. (O-2012-66)

August 22, 2012

Motion by Councilmember Caraway; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution ratifying the acceptance of TxDOT Project Grant Agreement Number URB 1301(10) in the amount of \$313,895 and any grant amendments increasing the grant amount for the purpose of providing public transportation for the City of Tyler. (R-2012-23) ©

Motion by Councilmember Caraway; 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 approve an amendment in the amount of \$799,718 to the contract with the C. T. Brannon Corporation to provide design and construction phase services for Cumberland Road from South Broadway Avenue to Old Jacksonville Highway for a total contract amount not to exceed \$1,118,201. ©

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

M-2 Request that the City Council consider authorizing the City Manager to execute a contract with Fugro Consultants, Incorporated for engineering services to provide a Pavement Evaluation and Management System Update for a total contract amount not to exceed \$180,160. ©

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

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 adopting a Resolution ratifying the acceptance of a State of Good Repair grant in the amount of \$38,400 for the purpose of refurbishing currently owned electronic fare boxes and any grant amendments to increase the grant amount for the purpose of upgrading the GFI electronic fare boxes for the City of Tyler. (R-2012-24)

C-A-2 Request that the City Council consider authorizing the City Manager to apply for and accept sixth year funding under the Comprehensive Traffic Enforcement Grant Program administered by the Texas Department of Transportation (TXDOT).

August 22, 2012

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making appointments and reappointments to various City Boards.

Airport Advisory Board

Re-Appointed

Kelly Walker

Appointed

Carver Cobbins

Robert Hahn

Board of Adjustment

Re-Appointed

Mary Endres

Amber Owen

David Pierson

Appointed

Jason Trimble

Disability Issues Review Board

Re-Appointed

Juanita Fletcher – reappointed Chair

Rhonda McKinzie

Robert “Bob” Peters

Margaret Rapp

Appointed

Robert Hughes

Historical Preservation Board

Re-Appointed

Thomas “Chad” Cargile

Ellen Musselman

Daniel Noteware Jr.

Jim Robertson

Appointed

Brooke Droptini

August 22, 2012

Keep Tyler Beautiful Board

Re-Appointed

Phyllis Carlyle- reappointed as Chair
Nita Meads

Appointed

Lori Booher
Kristy Corsivo
Geraldyn Sloan
Gary Jacobs

Library Board

Re-Appointed

Sebetha Jenkins-Booker

Appointed

Thomas Fernandez
Toni Ferrell

Neighborhood Revitalization Board

Re-Appointed

Robert "Robbie" Campbell III – reappointed Chair
Gary Choice Sr.
Eugene White

Appointed

Mary Kay Lust

Northeast Texas Public Health District Board

Re-Appointed

Appointed

Linda Klotz

Park Board

Re-Appointed

Keith McCoy
Stuart Meisenheimer
Amy Woldert

Appointed

Charles Ainsworth

Planning and Zoning Board

Re-Appointed

John Nix
Donald Warren

August 22, 2012

Appointed

Amy McCullough

Traffic Safety Board

Re-Appointed

Thomas Johnson- reappointed Chair

Roger Troue

Appointed

Jacqueline Fowler

Monty Small

Councilmember Heines made the motion to approve all the reappointments and appointments to the boards; seconded by Mayor Pro Tem Whatley; motion carried 7-0 to appoint the board members:

CITY MANAGER'S REPORT

Update on downtown parking garage

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:33 am

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

- under Section 551.072 “Real Estate”, deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities.

-under section 551.087 “Economic Development” deliberation regarding the following:

Possible offer of financial or other incentive to prospects and to consider financial and other information about those prospects/projects with which the City is conducting economic development negotiations that could lead to a partnership in Tyler

Any final action to be taken by the City Council will be taken in open session.

City Council reconvened from executive session at 10:52 am with no action taken.

ADJOURNMENT

August 22, 2012

Motion by Councilmember Caraway to adjourn the meeting at 10:52 am; seconded by Councilmember Mezayek; motion carried 7 -0 & meeting adjourned.



**BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS**

ATTEST:



CASSANDRA BRAGER, CITY CLERK

