

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
November 28 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 28, 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 (**absent**)
Ralph Caraway
Jason Wright

City Manager: Mark McDaniel
City Attorney: Gary C. Landers
Airport Manager: Davis Dickson
Managing Director for Administration: ReNissa Wade
Development Services Engineer: Michael Wilson
Neighborhood Services Manager: Brenda Johnson
Interim Chief Financial Officer: Keidric Trimble
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Managing Director for Public Safety
& 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
Managing Director for Utilities/Public
Works and Utilities: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

MINUTES

Motion by Councilmember Caraway to approve the minutes of the November 13, 2012 and Special Called meeting held on November 19, 2012; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented.

ZONING

Z-1 Z11-12-001 GRACE WILLIAMS TRUST (5304 OLD BULLARD ROAD)
Request that the City Council consider approving a zone change from "C-1", Light Commercial District to "AR", Adaptive Reuse District. (O-2012-94)

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Caraway; motion carried 6 - 0 & approved as presented.

Z-2 Z11-12-002 ROBERT HORICK (819 WEST CONNALLY STREET)
Request that the City Council consider approving a zone change from "R-1B", Single-Family Residential District to "R-1D", Single-Family Attached and Detached Residential District. (O-2012-95)

Motion by Councilmember Bowdre; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

Z-3 Z11-12-003 HOWARD DICKERSON (5102 OLD JACKSONVILLE HIGHWAY)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2012-96)

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Wright; motion carried 6 - 0 & approved as presented.

Z-4 Z11-12-005 ROBERTO BUTRON (4719 OLD TROUP HIGHWAY)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "C-2", General Commercial District. (O-2012-97)

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Heines motion carried 6 - 0 & approved as presented.

Z-5 Z11-12-006 JERALD RIGGLE (2824 DONNYBROOK AVENUE AND 2825 CRESTVIEW AVENUE)
Request that the City Council consider approving a zone change from "R-1A", Single-Family Residential District to "R-1B", Single-Family Residential District. (O-2012-98)

Motion by Councilmember Heines; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented.

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to execute a Construction Manager at Risk contract with Manhattan Construction Company for the complete construction of the Fair Plaza Garage. ©

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Larry Meckley, 401 Sutherland – Spoke against the Construction Manager at Risk contract and asked City Council to postpone approving the contract.

Motion by Councilmember Bowdre; seconded by Councilmember Caraway; motion carried 6 - 0 & approved as presented.

M-2 Request the City Council authorize the City Manager to ratify staff action of the expenditure of \$103,745.20 for Mandated Water Quality Assessment Fee to the Texas Commission on Environmental Quality.

Motion by Mayor Pro Tem Whatley; seconded by Councilmember Bowdre; motion carried 6 - 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 approving the purchase of sixty-eight (68) X26E Tasers with holsters, and thirty-five (35) Air Cartridges from sole source vendor, GT Distributors, for \$57,674.05 by utilizing grant funds from the Justice Assistance Grant (JAG) programs, and forfeiture funds.

C-A-2 Request that the City Council consider ratifying the submission of an application and accepting a Texas Department of Transportation (TXDOT) Routine Airport Maintenance Program (RAMP) Grant totaling \$50,000 for general maintenance programs at Tyler Pounds Regional Airport. ©

C-A-3 Request that the City Council consider approving a personal services contract with Steve Payne Enterprises (SPE), LLC to study the feasibility and costs associated with a downtown park and ride, for a fee not to exceed \$60,000. ©

Motion by Councilmember Caraway; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.

CITY MANAGER'S REPORT

1. If any changes wanted referencing use of Liberty Hall, let City Manager know.

RECESS FOR EXECUTIVE SESSION City Council convened into Executive Session at 9:30 am.

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

-under section 551.087 "Economic Development" deliberation regarding the following:

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

- 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.

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


City Council reconvened from executive session at 10:20 am. with no action taken.

ADJOURNMENT

Motion by Councilmember Caraway; seconded by Mayor Pro Tem Whatley; motion carried 6 - 0 & approved as presented.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

