

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
April 10, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, April 10, 2013 at 9:00 a.m. in the City Council Chambers, 2nd floor of 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

City Manager: Mark McDaniel
Asst. City Manager: Susan Guthrie
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Assistant City Attorney: Deborah Pullum
Development Services Engineer: Michael Wilson
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Managing Director for Public Safety
& Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
MPO Executive Director/Transit Director: Barbara Holly
Solid Waste/Vehicle Services Manager: Russ Jackson
Manager for Organizational Development: Serena Butcher
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 March 27, 2013 minutes; seconded by Councilmember Bowdre; motion carried 6 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Recognition of New Employees Hired March, 2013

The following employee(s) were hired by the City of Tyler during the month of March, 2013. We would like to take this opportunity to welcome these new employee(s).

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New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Benjamin	Robertson	IT Specialist II	IT
Ruben	Ibarra	Crew Leader	Parks & Recreation
Stephanie	Hughes	Laborer	Parks & Recreation
Tamara	Burnett	Legal/City Clerk Secretary	Legal
William	Selman	Biosolids Plant Operator I	Wastewater Treatment

PUBLIC HEARING

H-1 Request that the City Council conduct a public hearing and consider adoption of an ordinance creating City of Tyler Reinvestment Zone No. 12/Tazza Pronto at 2901 N. Industrial Avenue, Tyler, Texas; consider approving a tax abatement agreement with Quality Cup Systems, LLC and authorizing the City Manager to sign all documents necessary to implement the tax abatement agreement; and consider approving a Chapter 380 Business Incentive Agreement with Quality Cup Systems, LLC. (O-2013-29)

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

ZONING

Z-1 S02-13-007 SUPER MERCADO MONTERREY (510 SOUTH SOUTHWEST LOOP 323)
Request that the City Council consider approving a special use permit to grant a variance to eliminate the required 300 feet distance separation from a public school for beer and wine sales. (Withdrawn)

Z-2 S02-13-008 SAM'S CLUB (2025 SOUTH SOUTHWEST LOOP 323)
Request that the City Council consider approving a special use permit to grant a variance to eliminate the required 300 feet distance separation from a private school for beer and wine sales.

Larry Meckley spoke in opposition to the item. Motion by Mayor Pro Tem Whatley to deny; seconded by Councilmember Mezayek; motion carried 6 - 0 & denied as presented.

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Z-3 S02-13-009 CEFCO (6424 SOUTH BROADWAY AVENUE)

Request that the City Council consider recommending a special use permit to reduce the required 300 feet distance separation from the front door of the building with beer and wine sales to the front door of a church to 150 feet.

Larry Meckley spoke in opposition to the item. Motion by Councilmember Caraway to deny; seconded by Councilmember Heines motion carried 6 - 0 & denied as presented.

ORDINANCE

O-1 Request that the City Council conduct a public hearing to consider adoption of an ordinance clarifying and amending distance restrictions on the sale of alcoholic beverages near churches, public hospitals, public or private schools, day-care centers or child-care facilities. (O-2013-30)

Motion by Councilmember Heines to approve as amended; seconded by Councilmember Mezayek; motion carried 6 - 0 & approved as amended.

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to approve an amendment in the amount of \$179,050.00 to the Palace Avenue Improvements Project contract with Ballard and Braughton Engineering to provide design and construction phase services for Grand Avenue and 26th Street for a total contract amount not to exceed \$378,573.00. ©

Motion by Councilmember Caraway; 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 reconciliation change order and releasing final retainage to Hartbeat Construction for the New Copeland Road Curb and Gutter Project.

C-A-2 Request that the City Council consider approving the reconciliation change order and releasing final retainage to Reid Construction for the 2012 Citywide Sidewalk Improvements Project – Contract A.

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C-A-3 Request that the City Council consider authorizing the City Manager to pursue and accept grant funding through the Bulletproof Vest Partnership Grant Act for body armor purchased by the City for the Police Department.

C-A-4 Request that the City Council consider adopting a Resolution authorizing the Police Department to participate with other law enforcement agencies in the submission of a grant request from The Texas Automobile Burglary & Theft Prevention Authority and to include authorizing the City Manager to enter into a cooperative working agreement regarding the same. (R-2013-13)

C-A-5 Request that the City Council consider accepting the annual review of the City of Tyler tax abatement for Sealtite Building Fasteners.

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

CITY MANAGER'S REPORT

- 1. Councilmember Whatley & Greg Morgan went to Austin to testify on City bill.**
- 2. Airport-Marketing plan on flights and amenities being developed.**
- 3. Sales tax numbers due today**
- 4. 2nd Mayors Citizens Academy to begin Thursday of this week.**
- 5. CIP report update**
- 6. City Attorney Gary Landers to retire April 2014 & transition from City Attorney to staff assistant of counsel as soon as replacement can be hired.**

City Council convened into executive session at 9:47 am

RECESS FOR EXECUTIVE SESSION

- 1. Under section 551.087 "Economic Development" deliberation regarding the following:**

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.

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

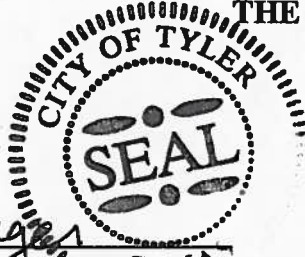
City Council reconvened from executive session with no action taken at 9:55 an,

ADJOURNMENT

Motion by Mayor Pro Tem Whatley to adjourn the meeting at 9:56 am; seconded by Councilmember Bowdre; motion carried 6 - 0 & meeting adjourned.

April 10, 2013

Barbara Bass
BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS *by*



ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK TEXAS