

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
November 13, 2012**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 13, 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 (absent)

City Manager: Mark McDaniel
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Managing Director for Administration: ReNissa Wade
Development Services Engineer: Michael Wilson
Finance Director, Interim: Keidric Trimble
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
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

Motion by Councilmember Mezayek to approve the October 24, 2012 minutes; seconded by Councilmember Caraway; motion carried 6 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 Service Awards

We would like to recognize the following employees for their 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. These employees represent over **155-years** of service with the City of Tyler.

Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
11/01/1982	Gary	Swindle	Managing Director of Public Safety	Police	30
11/16/1987	Steve	Countryman	Fire Captain IV	Fire	25
11/16/1987	Randy	Davis	Fire Captain IV	Fire	25
11/16/1987	W. Dee	Davis	Fire Captain IV	Fire	25
11/16/1987	Kenneth	Scheid	Fire Captain III	Fire	25
11/16/1987	Kelly	Shirley	Fire Captain III	Fire	25

A-2 New Hires Recognitions

The following employee(s) were hired by the City of Tyler during the month of October 2012. We would like to take this opportunity to welcome these new employee(s).

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Daniel	Barker	Fire Recruit	Fire
Adam	Dixon	Fire Recruit	Fire
Lucas	Terry	Fire Recruit	Fire
Gerardo	Cuaron	Planner	MPO
Aaron	Decur	Police Recruit	Police
Samuel	Dickerson	Police Recruit	Police
Alicia	Ethridge	PS Telecommunicator II	Police
Collin	Hale	Police Recruit	Police
Pedro	Maya	Police Recruit	Police
Melinda	Melara	Police Recruit	Police
Keren	Olivier	PS Telecommunicator II	Police
Rodney	Simington	Police Recruit	Police
William	Drennan	Commercial Equipment Operator	Solid Waste
Anthony	Emmel	Traffic Services Supervisor	Traffic
Scott	Jergens	Truck Driver	Water Distribution

ORDINANCE

- O-1** It is requested that the City Council consider adopting an ordinance amending Tyler City Code Chapter 10 relating to the regulation of beer and wine sales:
1. To establish certain distance restrictions on the sale of alcoholic beverages near a church, public or private school, public hospital, day-care center or child-care facility, providing for exceptions, and establishing a procedure for granting variances;
 2. To prohibit the sale of beer in area that is zoned Residential or RPO;
 3. That a local fee be levied for each permit issued by the State under the Alcoholic Beverage Code within the city, as allowed by State law;
 4. To require that the location that is the subject of a Texas Alcoholic Beverage Commission permit must comply with the Unified Development Code, alcohol-related ordinances, and all other applicable ordinances, rules and regulations of the City;
 5. To prohibit the possession of an open container or consumption of an alcoholic beverage on a public street, public alley, or public sidewalk, within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central business district;
 6. To add references to State law restrictions on signs and banners related to sale of alcoholic beverages; and
 7. To add references to State law restrictions on hours of operation for such businesses.
- (O-2012-89)

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

- O-2** Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 10 to adopt zoning regulations to regulate drive-through service areas that allow for passage of motor vehicles and used primarily for the retail sale or delivery of pre-packaged foods or beverages for off-premises consumption, if located in the "M-2", General Industrial District and through issuance of a Special Use Permit. This ordinance will have no effect on restaurant drive-through lanes or existing uses. (O-2012-90)

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

- O-3** Request that the City Council consider adopting an Ordinance amending the Unified Development Code in Tyler City Code Chapter 10 by clarifying that the existing fee for Zoning Changes shall also apply to the administrative costs associated with beer and wine on-site inspection verification, and other types of on-site zoning inspection verification. (O-2012-91)

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

- O-4** Request that the City Council consider adopting an Ordinance amending the FY 2012-2013 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by September 30, 2012 as anticipated. (O-2012-92)

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

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution authorizing the Transportation Enhancement Program grant application to be filed and committing the matching funds. (R-2012-30)

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

MISCELLANEOUS

M-1 Request that the City Council consider ratifying staff action authorizing a contract naming RPR Construction Company, Inc. as Construction Manager at Risk for the Council Chamber Remodel Project and accept a Guaranteed Maximum Price of \$334,362 from RPR Construction Company, Inc. for the Council Chamber Remodel Project. ©

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

M-2 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2012 Citywide Sidewalk Improvements Project - Contract C in the amount of \$438,279.80, to Hartbeat Construction. ©

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

M-3 Request that the City Council consider authorizing the City Manager to award multiple contracts for the sale of timber on City-owned property to Morris Timber Holdings, Inc, for a total estimated revenue amount of \$165,000. ©'s

Motion by Councilmember Mezayek; 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 authorizing the City Manager to award the construction contract for the New Copeland Road Curb and Gutter project in the amount of \$76,434.76 to Hartbeat Construction. ©

C-A-2 Request that the City Council ratify city staff action for the emergency purchase of one high voltage transformer purchase of one high voltage transformer for the No. 1

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ozone generator and two digital controllers for ozone generators no. 1 and no. 2 located at the Lake Palestine Water Treatment Plant,, in the amount of \$40,718 from Xylem Water Solutions USA, Inc. Charlotte, NC.

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

CITY MANAGER'S REPORT

1. CIP updates to City Council, including references to Guinn Farms pavement, Charleston Park booster pump, Cumberland Rd, and Fair garage (11-28)
2. City Council meeting on November 14th will be last meeting in City Council chambers for the year; November 28th meeting shall be at Liberty Hall.
3. City working to file dual certification bill in Texas Legislature.

RECESS FOR EXECUTIVE SESSION – No Executive Session needed

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:

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.

ADJOURNMENT

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


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK
TEXAS

