

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
January 23, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, January 23, 2013 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

City Manager: Mark McDaniel
Asst. City Manager: Susan Guthrie
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Assistant City Attorney: Deborah Pullum
Managing Director for Administration: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Keidric Trimble
City Engineer: Carter Delleney
City Fire Chief: Tim Johnson
Code Enforcement Manager: Chris Lennon
Managing Director for Public Safety
& Police Chief: Gary Swindle
Director of Parks and Recreation: Stephanie Rollings
Director of Solid Waste: Dan Brotton
Solid Waste/Vehicle Services Manager: Russ Jackson
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 Bowdre.

MINUTES

Motion by Councilmember Caraway to approve the January 9, 2013 minutes; seconded by Councilmember Bowdre; motion carried 5 - 0 & approved as presented.

EMPLOYEE AWARDS – RECOGNITIONS, SERVICE

A-1 RECOGNITION AWARDS

Request that the City Council consider accepting the “Certificate of Achievement Award for Excellence in Financial Reporting” from the Government Finance Officers Association of the United States and Canada for the City of Tyler’s Fiscal Year 2010-2011 Comprehensive Annual Financial Report.

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Motion by Councilmember Caraway; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

PRESENTATIONS

P-1 Request that the City Council consider hearing a presentation concerning the City of Tyler's 2012 Code Enforcement Department activity.

Code Enforcement Manager, Chris Lennon – Gave a brief presentation concerning the City of Tyler's 2012 Code Enforcement Department activity.

ZONING

Z-1 Z01-13-014 ROBERT PELTIER (3200 SOUTH SOUTHWEST LOOP 323)
Request that the City Council consider approving a zone change from "M-1", Light Industrial District to "C-2", General Commercial District. (O-2013-8)

Motion by Councilmember Heines; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance approving appointments to the Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2), the Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3), and the Tyler Redevelopment Authority Boards of Directors. (O-2013-9)

Motion by Councilmember Heines; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

RECESS

CONVENE

CITY OF TYLER JOINT MEETING OF THE BOARDS OF DIRECTORS OF THE REINVESTMENT ZONE NUMBER TWO, REINVESTMENT ZONE NUMBER THREE, and TYLER REDEVELOPMENT AUTHORITY COMMUNICATION

- 1. Call to Order – Barbara Bass, Chair**
- 2. Recognition of New and/or Re-appointed Board Members - Barbara Bass, Chair.**
- 3. Approve Board Minutes – Barbara Bass, Chair:**
 - a. Approve TIRZ No. 2 Minutes for Oct. 26, 2011**
 - b. Approve TIRZ No. 3 Minutes for Oct. 26, 2011**
 - c. Approve TDA Minutes for Oct. 26, 2011 and**

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d. Approve TIRZ No. 2 Minutes for April 11, 2012

Motion by Councilmember/TIRZ board member Heines; seconded by Councilmember/TIRZ board member Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

4. Consider election of Vice Chair - Barbara Bass, Chair

- a. Consider election of Vice Chair for TIRZ No. 2**
- b. Consider election of Vice Chair for TIRZ No. 3**
- c. Consider election of Vice Chair Tyler Redevelopment Authority**

Motion by Councilmember/TIRZ board member Heines to re-appoint Commissioner/TIRZ Board member JoAnn Hampton as Vice Chair; seconded by Councilmember/TIRZ board member Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

5. Review and consider acceptance of TIRZ No. 2 and TIRZ No. 3 Annual Reports by the TIRZ No. 2, TIRZ No. 3 and Redevelopment Authority Boards, respectively and ratify submission to required entities – Staff Liaison Susan Guthrie, Assistant City Manager.

Motion by Councilmember/TIRZ board member Heines; seconded by Councilmember/TIRZ board member Bowdre; motion carried 5 - 0 & approved as presented.

6. Adjourn.

Motion by Councilmember/TIRZ board member Mayor Pro Tem Whatley; seconded by Councilmember/TIRZ board member Caraway; motion carried 5 - 0 & approved as presented.

RECONVENE January 23, 2013, CITY COUNCIL MEETING

MISCELLANEOUS

M-1 Request that the City Council consider ratifying the submission of the Annual Reports for TIRZ No. 2 and TIRZ No. 3 to all other taxing entities and to the State of Texas Comptroller as required by law.

Motion by Councilmember Caraway; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

M-2 Request that the City Council consider changing the regular City Council Meeting date of March 13 to March 6, 2013.

Motion by Councilmember Bowdre; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

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- M-3 Request that the City Council consider approving the purchase of software from Coplogic, Inc. for the purpose of implementing Online Police Reporting. ©**

Motion by Councilmember Caraway; seconded by Councilmember Bowdre; motion carried 5 - 0 & approved as presented.

- M-4 Request that the City Council consider authorizing the City Manager to accept an 80/20 percent Trail Grant from the Texas Parks and Wildlife Department in the amount of \$189,200 and execute the Trail Fund Agreement. ©**

Motion by Councilmember Caraway; seconded by Mayor Pro Tem Whatley; motion carried 5 - 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 purchase one frontload Mack refuse truck with a 36-month estimated buy-back agreement for this vehicle and confirm the sellback of unit 10757 to East Texas Mack Sales.**

Motion by Councilmember Caraway; seconded by Mayor Pro Tem Whatley; motion carried 5 - 0 & approved as presented.

CITY MANAGER'S REPORT

Nothing

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:32 am

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

- under section 551.071 "Litigation" deliberation regarding the following:**

Pending litigation involving TTUC (Algonquin) at TCEQ

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above

- under Section 551.072 "Real Estate", deliberation regarding the following:**

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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 9:54 am with no action taken.

ADJOURNMENT

Motion by Councilmember Caraway to adjourn the meeting at 9:54 am; seconded by Mayor Pro Tem Whatley; motion carried 5 – 0; meeting adjourned.

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



Barbara Bass

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