

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
MAY 12, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 12, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Donald Sanders
Councilmembers: Charles Alworth
Chris Simons
Ralph Caraway
Sam Mezayek
Mark Whatley

City Manager: Mark McDaniel
Asst. City Manager: Scott Wall
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Assistant City Attorney: Deborah Pullam
Airport Manager: Davis Dickson
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Director of Neighborhood Services: Brenda Johnson
Chief Financial Officer: Daniel Crawford
Chief Information Officer: Benny Yazdanpanahi
City Engineer: Carter Delleney
City Fire Chief: Neal Franklin
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Parks and Recreation: Stephanie Rollings
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Fleet Administrator: Russ Jackson
Budget/Internal Auditor: Keidric Trimble
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Caraway.

Motion by Councilmember Caraway to approve the April 28, 2010 minutes; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

RECOGNITION OF OUTGOING CITY COUNCILMEMBERS

Mayor Pro Tem Sanders – Stated that it has been a pleasure working with such great Councilmembers. Mayor Pro Tem Sanders stated that he appreciated all the help, wisdom and encouragement that has been given to him to help make his job in his district a lot more enjoyable and easy. He hopes that all goes well with both Councilmember Alworth and Councilmember Simons as they go on to other endeavors.

May 12, 2010

Councilmember Caraway – Stated that the word of God says, “If a man is to have friends then he must first show himself friendly.” Councilmember Alworth and Councilmember Simons have both shown themselves friendly not only to us as fellow Councilmembers but to the City. This City is better because of the efforts that both have made and we appreciate what they have brought to this Council. Every decision has not been an easy decision but a decision was made based on the information that they had that was going to make the City better as a whole.

Councilmember Mezayek – Thanked both City Councilmembers for their service to the City. People don’t understand how much you guys care about Tyler. Everything that you do is for the betterment of the City of Tyler. Councilmember Mezayek stated that he has counted on both for wisdom and guidance in easy and difficult issues. Both will be missed.

Councilmember Whatley – Stated that as a citizen you don’t really fully appreciate what everyone does on this City Council until you actually serve. Councilmember Whatley stated that he has seen Chris’ passion for the community and it’s obvious that he has grown up here, he loves his City, and he has shown it in everything that he has done on the City Council. Councilmember Whatley thanked both Councilmember Alworth and Councilmember Simons for all the help that they have been to him and he appreciates both of their willingness to serve the City.

Mayor Bass – Stated that the City has a tremendous City Council and is looking forward to the new Councilmembers. Mayor Bass told both Councilmembers that they have gone the extra mile in serving their community they represented not just their districts but the City as a whole well. Mayor Bass stated that she knows that they both have been compassionate about it and they have shown their passion in what they do. Both have given the last six years of their lives to our community and anybody on City Council and the community needs to appreciate the commitment that both have made and both of them have become near and dear to all of our hearts.

Tyler Fire Fighter Association – Honored both Councilmember Simons and Councilmember Alworth for their work and service to the City of Tyler.

Councilmember Simons – Stated that this has really been a humbling experience to serve the citizens of District 4. Six years seems like a lot but it flies by when you are having fun. Councilmember Simons reflected on some of the achievements that this City and City Council and previous City Councils have achieved in the last six years. Some of the achievements mentioned were Master Street Plan, Tyler 21, Traffic issues, General Obligation Debt, and Capital Improvement Package. Having good leadership and hard work from the Department Heads are what make things happen around here. Councilmember Simons stated that it has been a great six years and it’s those that are behind the scenes doing the work from bottom to top that make this City the best City in the State of Texas. Thanks went out to the City Manager, Department Heads, and fellow Councilmembers. Councilmember Simons stated that Mayor Bass came in and hit the ground running and her forward thinking, leadership abilities have been remarkable.

Councilmember Alworth – Stated that it has been a great experience and he has enjoyed serving the City of Tyler. Councilmember Alworth stated that when he looks around the room he see all of his friends and what people don’t realize is that City Council and the City become friends, it’s a family. A lot of the public thinks that we rubber stamp, we don’t, we look very carefully at things. He thanked City Council and City staff for a great time.

ELECTIONS

E-1 Request that the City Council consider canvassing the returns of the City Council Election held May 8, 2010 for District No. 6 and affirming the cancellation of the Elections and designation of unopposed winners for the Mayor At Large, District No. 2, and District No. 4 Elections set for that day and adopting an Ordinance declaring the results. (O-2010-40)

District No. 6, For City Councilmember

Kara Camp - 651 Votes

Jason Wright – 526 Votes

Richard Kevin Halbert – 320 votes

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

E-2 Request that the Mayor administer the Oath of Office to the Mayor and City Councilmembers for Districts 2, 4 and 6, and that the City Council consider electing a Mayor Pro Tem.

Judge Carole Clark administered the Oath of Office to the Mayor and the Mayor administered the Oath of Office to incumbent Donald Sanders and newly elected Martin Heines.

Motion by Councilmember Mezayek to appoint Councilmember Caraway; seconded by Councilmember Alworth; motion carried 7 - 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 123 years of service with the City of Tyler.

Retirees - Service Awards

Date of Hire:	First Name:	Last Name:	Position:	Department:	Years of Service:
04/15/1986	Randall L.	Vaught	Police Officer X	Police	24
10/01/1986	Clayton E.	Perrett	Police Officer X	Police	23
07/19/1993	Jim P.	Anderson	Water Treatment Superintendent	Water	16

Service Awards

Date of Hire:	First Name:	Last Name:	Position:	Department:	Years of Service:
05/09/1990	Raymond D.	Brown	Foreman II	Solid Waste	20
05/21/1990	Gary L.	Smith	Building Service Supervisor	GGS	20
05/23/1990	Jose	Parga	Crew Leader	Parks and Recreation	20

RESOLUTION



R-1 Request that the City Council consider adopting an amended resolution finding the necessity for the acquisition of the Tall Timbers Utilities, Inc.'s sewerage system, declaring the acquisition for a public purpose and authorizing condemnation for the fee simple interest in said property and also authorizing the City Manager to engage Flowers & Davis, PLLC, Mathews & Freeland, LLP and J. Stowe & Company for necessary professional service during the acquisition effort. (R-2010-11)

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

MISCELLANEOUS

M-1 Request that the City Council consider awarding Bid No. 10-019 in the amount of \$105,000 to Mikasa Construction of Tyler, Texas for Exterior Restorations to the Goodman Museum and authorize the City Manager to execute the Contract. ©

Motion by Councilmember Alworth seconded by Councilmember Sanders; motion carried 7 - 0 approved as presented.



M-2 Request that the City Council consider awarding Bid No. 10-017 in the amount of \$68,189 to Reid Construction for the construction of Oak Grove Park to include three add alternates and authorize the City Manager to execute the contract. ©

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



M-3 Request that the City Council consider the award of bids for the New Construction of four single family dwellings.

Brenda Johnson, Director of Neighborhood Services – Stated that as part of the City's initiative to assist eligible low-income homebuyers with the purchase of modest and affordable single-family dwellings, the City sponsors a New Construction and Homebuyers Assistance Program funded with CDBG and HOME funds. The primary purpose of the

May 12, 2010

program is to construct new affordable housing units and to assist low-income homebuyers with down payment and closing costs assistance after the homes are constructed. Proposals were solicited from approved contractors and developers to provide a set of drawings/floor plans to be built on lots owned by the City. The houses to be built are 3 bedroom and 2 baths, with an attached 2 car garage.

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

M-4 Request that the City Council consider approving the extension of the contracts with HealthFirst TPA and Access Direct through December 31, 2015 for Medical, Dental, Prescription Drug and Short Term Disability services for the City of Tyler employees and retirees in addition to authorizing City Manager to sign these contract extension documents on behalf of the City of Tyler. ©

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

M-5 Request that City Council consider reviewing and accepting the Revenue/Expenditure Report for the quarter ending March 31, 2010.

Motion by Councilmember Alworth seconded by Councilmember Mezayek; 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 awarding bids opened April 13, 2010, for the annual price agreements for Fuel, from June 1, 2010 thru May 31, 2012, to Beekat Oil and Fuel LP of Tyler, Texas.

C-A-2 Request that the City Council consider authorizing the City Manager to execute a permanent right-of-way use agreement with Tyler Blue Ridge, LLC for the placement of a subdivision monument sign on Blue Mountain Boulevard in the City of Tyler right-of-way.

C-A-3 Request that the City Council consider approving a Reconciliation Change Order and releasing final retainage in the amount of \$23,388.78 to AAA Sanitation, Incorporated for the Nottingham Lift Station project.

C-A-4 Request that the City Council consider ratifying the acceptance of TxDOT Project Grant Agreement No. ED 1003(10) in the amount of \$37,127 and any grant amendments to increase the grant amount for the purpose of providing public transportation for the City of Tyler.

May 12, 2010

- C-A-5** Request that the City Council consider authorizing the City Manager to accept two Homeland Security Grant's in the amounts of \$36,660 and \$34,319.57 from the State Homeland Security Program (SHSP) under the Assistance to Firefighters Grant Program.
- C-A-6** 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-7** Request that the City Council consider adopting a Resolution authorizing the City Manager to participate on the Texas Utility/Oncor Steering Committee. (R-2010-12)

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

BOARD APPOINTMENTS

- B-1** Request that the City Council consider approving nominations to the Tyler One-Half Cent Sales Tax (Half Cent) Corporation Board from the Mayor and Council members District Nos. 2, 4 and 6 and consider appointing a new slate of officers of the Corporation.

Motion by Councilmember Whatley to appoint the following members to the board for a two year term and appoint new officers for the Corporation; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

Mayor, At Large appointed Mayor Pro Tem Ralph Caraway
Councilmember Sanders, District 2 appointed Dr. Bennie Webster
Councilmember Heines – District 4 appointed Chris Simons

Motion by Councilmember Whatley to appoint new officers for the Corporation; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented

Mayor Pro Tem Caraway – President
Chris Simons – V. President
Steve Mills – Treasurer
Lori Ellis – Secretary

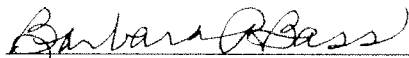
CITY MANAGER'S REPORT

1. 2009 Annual Report, Interactive electronic report this year.
2. PATH Homeless report
3. Monthly CIP report, TXDOT report & ½ Cent prioritization process
4. Welcome back to Keidric Trimble
5. Comments from “new” Councilmembers & Mayor
6. Sales Tax amounts are only 2% down last month

May 12, 2010

ADJOURNMENT

Motion by Mayor Pro Tem Caraway to adjourn the meeting at 10:04 am; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

