

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
August 11, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, August 11, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass  
 Mayor Pro Tem: Ralph Caraway  
 Councilmembers: Martin Heines  
                           Donald Sanders (**absent**)  
                           Mark Whatley  
                           Sam Mezayek  
                           Jason Wright (**absent**)

City Manager: Mark McDaniel  
 Asst. City Manager: Scott Wall  
 City Attorney: Gary C. Landers  
 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  
 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  
 Budget/Internal Auditor: Keidric Trimble  
 Manager/Water Utilities Business Office: Joan Roberson  
 City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Caraway.

Motion by Councilmember Mezayek to approve the minutes of the July 28, 2010 meeting; seconded by Mayor Pro Tem Caraway; motion carried 5 - 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 71 years of service with the City of Tyler.

**Retirees - Service Awards**

<b>DATE OF HIRE:</b>	<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>	<b>YEARS OF SERVICE:</b>
10/02/1978	Judy	Thurmon	Police Sergeant III	Police	31

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Service Awards

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
05/24/1990	Cesar	Berrum	Crew Leader	Parks & Recreation	20
8/10/1990	Joan	Roberson	Water Utility Business Office Manager	Water	20

**A-2 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of July 2010. We would like to take this opportunity to welcome these new employees.

New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Savanna	English	PST II	Police

**A-3 Blue Print Award**

Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for August 2010, for placing the highest premium on responsiveness to citizens' needs.

Mayor Bass presented Rose Ellis with the Blueprint Blue Ribbon Award winner for August 2010, for placing the highest premium on responsiveness to citizens' needs.

**ZONING**

**Z-1 APPLICATION C07-10-012 KEITH HODGES (DAVE STREET & ST. LOUIS STREET)**

Request that the City Council consider a closing portions of rights-of-way known as Dave Street and St. Louis Street. (Item removed from agenda at applicant request)

**PRESENTATIONS**

**P-1 Request that the City Council receive a presentation of the Fiscal Year 2010–2011 Proposed Budget, then consider voting to place the proposed property tax rate on the September 22, 2010 City Council Agenda as an action item and scheduling public hearings on the proposed budget and proposed property tax rate to occur during the August 25, 2010 and the September 8, 2010 City Council Meetings.**

Motion by Councilmember Mezayek; seconded by Councilmember Heines motion carried 5 - 0 & approved as presented.



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**ORDINANCE**

- O-1 Request that the City Council consider approving an Ordinance adopting the Community Development Block Grant (CDBG) and HOME Programs FY 2010-2015 Consolidated Plan and FY 2010-2011 Annual Plan (O-2010-79).**

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

- O-2 Request that the City Council consider adopting an Ordinance amending Chapter 1, "General Provision", Article IX., "Disability Issues Review Board", Section 1-92 by adding an additional function to the Board. (O-2010-80)**

Motion by Councilmember Mezayek; seconded by Councilmember Whatley; motion carried 5 - 0 & approved as presented.

**MISCELLANEOUS**

- M-1 Request that the City Council to consider authorizing the City Manager to sign a "Letter of Engagement for Professional Audit Services" with Henry & Peters PC to perform the Fiscal Year 2009-2010 Annual Audit.©**

Motion by Councilmember Heines; seconded by Councilmember Mezayek; 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 approving a Resolution authorizing continued participation with the Steering Committee of cities served by Atmos and authorizing the payment of .02 cents per capita to the Steering Committee to fund regulatory and related activities related to Atmos Gas delivery. (R-2010-21)**

- C-A-2 Request that the City Council consider authorizing the City Manager to sign and acknowledge a permanent right-of-way use agreement with Delek Refining for the placement of a conduit for fiber optic communications under East Commerce Street in the City of Tyler right-of-way. ©**

- C-A-3 Request that the City Council consider authorizing the City Manager to renew an agreement with the United States Department of Justice, Drug Enforcement Administration to provide the Tyler Police Department's continued participation in the East Texas Drug Task Force. ©**

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**C-A-4 Request that the City Council consider adopting an Ordinance amending City Code Chapter 17, "Traffic", Article III, "Speed", by adding new Section 17-66 to be titled "Temporary Construction Speed Limits". (O-2010-81)**

Motion by Councilmember Whatley; seconded by Councilmember Mezayek; motion carried 5 - 0 & approved as presented.

**CITY MANAGER'S REPORT**

1. CIP Report update
2. Appreciation for Budget Committee and Dept. Heads, thanks to CC for their good comments

**RECESS FOR EXECUTIVE SESSION** – City Council convened into executive session at 9:49 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 or contemplated litigation involving extraterritorial jurisdiction boundaries with other cities**

**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**

City Council reconvened from Executive Session at 10:02 am with Mayor Pro Tem Caraway moving approval of the ETJ boundary settlement interlocal agreement; seconded by Councilman Mezayek; motion approved 5-0.

**ADJOURNMENT**

Motion by Councilmember Mezayek to adjourn the meeting at 10:03 am; seconded by Mayor Pro Tem Caraway; motion carried 5 - 0 & meeting adjourned.

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

