

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
December 8, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, December 8, 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
Mark Whatley
Sam Mezayek
Jason Wright

City Manager: Mark McDaniel
Asst. City Manager: Scott Wall
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Airport Manager: Davis Dickson
Main Street Director: Beverly Abell
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
Chief Financial Officer: Daniel Crawford
City Engineer: Carter Delleney
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Vehicle Services: Russ Jackson
Housing Service Manager: Andy Davis
Budget/Internal Auditor: Keidric Trimble
Water Quality and Production Manager: Jimmie Johnson
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Caraway.

MINUTES

Motion by Mayor Pro Tem Caraway to approve the November 17, 2010 minutes; seconded by Councilmember Whatley; 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 **45-years** of service with the City of Tyler.

Retirees - Service Awards

DATE OF HIRE	FIRST NAME	LAST NAME	POSITION:	DEPARTMENT	YEARS OF SERVICE
6/09/2007	Eugene	Hood	Senior Bus Driver	Transit	3
6/15/1978	S. Dale	Acker	Fire/Driver/Engineer IV	Fire	32
5/27/1987	Neal	Franklin	Fire Chief	Fire	23

A-2 New Hires Recognitions

The following employee(s) were hired by the City of Tyler during the months of November 2010. We would like to take this opportunity to welcome these new employee(s).

New Employees

FIRST NAME	LAST NAME	POSITION	DEPARTMENT
Raymond	Morris	Laborer	Water Treatment
Bennie	Chimney	Plant Operator I	Water Treatment
David	Mitchell	Plant Operator II	Water Treatment
Stephanie	Canales	Human Resource Representative	Human Resources

A-3 Request that the City Council consider recognizing a City employee as the Blueprint Blue Ribbon Award winner for December 2010, for placing the highest premium on responsiveness to citizens’ needs.

Mayor Bass presented Tony Filippini with the Blueprint Blue Ribbon Award for December 2010, for placing the highest premium on responsiveness to citizens’ needs.

A-4 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 2008 2009 Comprehensive Annual Financial Report.

A-5 Request that the City Council consider accepting the certification of Tyler as a “2011 National Main Street City,” an honor bestowed by the National Main Street Program of the National Trust for Historic Preservation and the Texas Main Street Program of the Texas Historical Commission.

ORDINANCE

- O-1 Request that the City Council consider all matters incident and related to the issuance and sale of "City of Tyler, Texas Water and Sewer System Revenue Refunding Bonds, New Series 2011," including the adoption of an Ordinance authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City. (O-2010-125)**

Steven Adams, Specialized Public Finance – Gave a brief update on the Water & Sewer System Subordinate Lien Revenue Refunding Bonds Series 2011. Mr. Adams recommended to City Council to consider the adoption of a Bond Ordinance which will authorize the sale of refunding bonds and to delegate the authority to sign the Pricing Certificate to the designated Pricing Officer (City Manager or Chief Financial Officer). The Pricing Officer can sign the Pricing Certificate, provided that:

The true interest cost of the Bond issue is below 4.00%;

The issue must produce present value savings of at least 3.00% of the Refunded Bonds; and

The maximum maturity of the Bonds cannot exceed September 1, 2030.

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

- O-2 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 4 to standardize the hours for home solicitation and handbill distribution, and prohibiting solicitation when the occupant provides notice. (O-2010-126)**

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

MISCELLANEOUS

- M-1 Request that City Council consider reviewing and accepting the Revenue/Expenditure Report for the quarter ending September 30, 2010.**



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

- M-2 Request that the City Council consider the award of bids for the New Construction of four single family dwellings. ©©©©**



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

December 8, 2010

- M-3 Request that the City Council consider awarding the bids for the rehabilitation of two (2) single-family dwelling units and the reconstruction of five (5) single-family dwelling units. ©©©©©©©©**

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

- M-4 Request that the City Council consider authorizing the City Manager to execute Work Order No. 15 for professional services with Wisenbaker, Fix and Associates of Tyler for the Passenger Facility Charge Application Preparation for Tyler Pounds Regional Airport in an amount not to exceed \$39,891.20. ©**

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

- M-5 Request that the City Council consider ratifying the acceptance of a Homeland Security Grant in the amount of \$78,600 from the State Homeland Security Program and authorize the City Manager's approval for the purchase of the SCBA equipment. ©**

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; 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 authorizing the City Manager to purchase one Ford F250 Crew Cab Fire Command truck for a total purchase of \$44,588.58.**
- C-A-2 Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2010-2011 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by September 30, 2010 as anticipated. (O-2010-127)**

Councilmember Wright – Stated that he noticed on the Fair Plaza revenue that it looked a little short based on what he thought we were getting whenever we decided to accept it and wanted to know if there was a reason for that?

City Manager, Mark McDaniel – Stated that this was a new fund set up for the donation so that we can account for all the revenue and the expenditures on the Fair property which would include the Foundation building, Lindsey building and the parking lots. Fund 240

December 8, 2010

is brand new and that is the reason that it is in here as being set up for the first time as an amendment. The reason why the number is lower than what we looked at when we were considering the donation is because it is pro-rated and it is nine or ten months rather than a full twelve months. On the expense side the reason it would be lower is because we do think we are going to have some efficiencies that were not available to the prior owner.

Councilmember Wright – Stated that in regard to Fair Plaza the warm and fuzziness of the donation has passed and now we are landlords. What are we doing to make sure that:

1. We effectively get the most out of the revenue that we have, and
2. Is there a plan to get us out of the landlord business as quickly as possible?

City Manager, Mark McDaniel – Stated that will ultimately be a City Council decision. Right now we have an interest in trying to get longer term leases with the tenants.

Councilmember Heines – Stated that he just wanted to assure the tenants of the building that they have a place to be and not be displaced.

C-A-3 **Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2010-2011 Budget to provide funding to complete various CDBG, HOME and Housing Choice Voucher Program activities, construction projects, and purchases not completed by September 30, 2010 as anticipated. (O-2010-128)**

Motion by Councilmember Whatley; to approve the entire consent agenda; seconded by Councilmember Mezayek; motion carried 7 - 0 & approved as presented.

CITY MANAGER'S REPORT

3. **Monthly CIP Report & TxDot update**
4. **City employee Christmas party next week, wished all the Councilmembers a Merry Christmas**
5. **Mayor-Thursdays is Quarterly nighttime "Art/Museum Walk", will be Milestones of History out to share historical info and music on the Square. In addition there will be a half mile of history recognition tiles/stones placed around the downtown area around the square and we will have volunteers who will be docents for each individual stones placed downtown.**
6. **Mayor – Friday, 12-10, Holiday in the Park @ Bergfield through Saturday**

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 10:02 am.

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

-under section 551.074 "Personnel matters" deliberation regarding the following:

The annual performance evaluation and review of City Manager.


December 8, 2010

City Council reconvened from executive session at 10:31 am.

Motion by Councilmember Mezayek to rate City Manager, Mark McDaniel performance as exemplary and endorsing the level of review and performance; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented

ADJOURNMENT

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


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

