

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
July 13, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 13, 2011 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor:	Barbara Bass
Mayor Pro Tem:	Sam Mezayek (absent)
Councilmembers:	Martin Heines
	Donald Sanders
	Mark Whatley
	Ralph Caraway
	Jason Wright (absent)
City Manager:	Mark McDaniel
City Attorney:	Gary C. Landers
Main Street Director:	Beverly Abell
Human Resources Director:	ReNissa Wade
Development Services Engineer:	Michael Wilson
Chief Financial Officer:	Daniel Crawford
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
City Fire Chief:	Tim Johnson
City Police Chief:	Gary Swindle
Director of Planning and Zoning:	Barbara Holly
Director of Solid Waste:	Dan Brotton
Director of Vehicle Services:	Russ Jackson
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 Councilmember Caraway.

## **MINUTES**

Motion by Councilmember Caraway to approve the June 22, 2011 minutes; seconded by Councilmember Sanders; motion carried 5 - 0 & approved as presented.

## **EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

### **A-1 Service Awards**

We would like to recognize the following employee for his 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. This employee represents over **23-years** of service with the City of Tyler.

### **Retirees - Service Awards**

July 13, 2011

DATE OF HIRE:	FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:	YEARS OF SERVICE:
10/01/1987	Oscar	Lopez	Fire Apparatus Technician	Fire	23

## A-2 New Hires Recognitions

The following employee(s) were hired by the City of Tyler during the month of June 2011. We would like to take this opportunity to welcome these new employee(s).

### New Employees

FIRST NAME:	LAST NAME:	POSITION:	DEPARTMENT:
Jeremy	Atkinson	Planner	Planning & Zoning
Amy	Munoz	Customer Service Representative	Water Business Office
Brandon	Ramzel	Utilities Maintenance Repairer	Waste Water Collection

## PRESENTATIONS

**P-1 Request that the City Council considering receiving a presentation and accepting the Workers' Compensation and Property and Casualty Claim Report through May 1, 2011 and ratify all claims payments and settlements.**

ReNissa Wade, Human Resources Director – Gave a brief presentation on the Workers' Compensation and Property and Casualty Claims through May 1, 2011.

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

## PUBLIC HEARINGS

**H-1 Request that the City Council conduct a public hearing and consider approving a Resolution authorizing tax-exempt financing by the Oglesby Education Facilities Corporation for the benefit of Academy of Skills and Knowledge dba Cumberland Academy, with no financial obligation to the City of Tyler. (R-2011-22)**

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

## ORDINANCE

**O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 2 by updating existing Hotel Occupancy Tax provisions related to the existing seven percent Hotel Occupancy rate, and implementing an additional two percent Hotel**

July 13, 2011

**Occupancy Tax to be used for the expansion or construction of event facilities for the community which will be used solely for the purpose of expanding or constructing convention or event facilities. (O-2011-54)**

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

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to award the Transit 2011 Bus Stop Improvements for Tyler Transit to Alan Utz and Associates in an amount not to exceed \$299,319. ©**

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

**M-2 Request that the City Council consider ratifying staff action authorizing payment to Aquatic Management Services in an amount of \$199,820 for the treatment of 258 acres of hydrilla in various locations on Lake Tyler East and 0.5 acres of giant cut grass on Lake Bellwood. ©**

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

**M-3 Request that the City Council consider authorizing the City Manager to award a construction contract to Heartbeat Construction, in the amount of \$127,455, for construction of the Blackfork Creek Tributary D drainage improvements. ©**

Motion by Councilmember Heines; seconded by Councilmember 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 declaring certain City of Tyler Information Technology Services equipment as surplus and authorize for disposal.**

**C-A-2 Request that the City Council consider authorizing the City Manager to award multiple vendors for the annual price agreement for various categories of automotive and truck services and repairs per Bid No. 11-007.**

**C-A-3 Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.**

July 13, 2011

- C-A-4** Request that the City Council consider authorizing the City Manager to purchase various Compressed Natural Gas parts and service from NGV Natural Gas Texas, Incorporated as a sole source vendor.
- C-A-5** Request that the City Council ratify the sale of one city surplus vehicle to the City of Maud, for a total amount of \$9,000.
- C-A-6** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain tract of land located at 700 S. Confederate within the City of Tyler city limits and owned by taxing entities including the City of Tyler, Trustee. (R-2011-23)

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

### **CITY MANAGER'S REPORT**

1. Recognized former Jacksonville Mayor, Robert Haberle who now works with Schaumburg & Polk.
2. CIP report update
3. Groundbreaking at Pinnacle at 12:00 noon and then lunch at Glass Recreation Center

**RECESS FOR EXECUTIVE SESSION** – City Council convened into Executive Session at 9:29 am

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

#### **Ex Session No. 1:**

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

1. Possible contemplated litigation involving TTUC (Algonquin)

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

#### **Ex. Session No. 2:**

-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

July 13, 2011

City Council reconvened from Executive Session at 9:37 am with no final action taken.

**ADJOURNMENT**

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

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

