

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
May 25, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, May 25, 2011 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  
City Attorney: Gary C. Landers  
Assistant City Attorney: Deborah Pullam  
Airport Manager: Davis Dickson  
Development Services Engineer: Michael Wilson  
Chief Information Officer: Benny Yazdanpanahi  
City Engineer: Carter Delleney  
City Fire Chief: Tim Johnson  
City Police Chief: Gary Swindle  
Director of External Relations & Organizational Development: Susan Guthrie  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
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 May 11, 2011 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

**ELECTIONS**

**E-1 Request that the Mayor administer the Oath of Office to the City Councilmembers for Districts 1, 3 and 5, and that the City Council consider electing a Mayor Pro Tem.**

Mayor Bass administered the Oath of Office to Councilman Mezayek, Caraway and Whatley.

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

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

- A-1 Request that the City Council receive a presentation for earning the Gold Circle Leadership Award for financial transparency bestowed by the Texas Comptroller of Public Accounts.**

Dave Berry presented City Council with the Gold Circle Leadership Award.

**ZONING**



- Z-1 APPLICATION A04-11-001 TYLER POUNDS REGIONAL AIRPORT (700 SKYWAY BOULEVARD) (O-2011- 36)**

Request that the City Council consider adopting an ordinance providing for the annexation of approximately 923.3 acres of land and consider establishing:

- A. The new boundary of the City Limits;**
- B. The new boundary of the Extraterritorial Jurisdiction.**
- C. The new boundary of the City Council District #2 (West);**
- D. The Land Use Guide to reflect Light Industrial / Warehouse Land Use.**
- E. Original zoning of 923.3 acres of “M-1”, Light Industrial District and “MU-O”, Municipal Use-Overlay District.**

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

- Z-2 APPLICATION S05-11-005 JEREME & JENNIFER DOWNS (505 S. CHILTON AVENUE)**

Request that the City Council consider a Special Use Permit renewal for a bed and breakfast on property zoned “AR”, Adaptive Reuse District. (O-2011-37)

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

- Z-3 APPLICATION S05-11-007 STANLEY SMITH (804 WEST 26<sup>TH</sup> STREET)**

Request that the City Council consider a request for a Special Use Permit on Lots 4 and 5 of NCB 501J, to allow for the initial operation of a home based one-chair salon for one year. (RETURNED TO P & Z for review of changed parking & status of possible code violations)

Motion by Councilmember Caraway to return the item to P & Z to reconsider based on parking changes and to clarify any code violations; seconded by Councilmember Heines; motion carried 7 - 0.

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**Z-4 APPLICATION Z05-11-026 SOLOMON INVESTMENTS OF TEXAS LLC (3001 WNW LOOP 323)**

**Request that the City Council consider changing the zoning from "R-1A", Single-Family Residential District to "C-1", Light Commercial District. (O-2011-38)**

Motion by Councilmember Heines; seconded by Councilmember Whatley; motion carried 6 - 1 & approved as presented.

**Z-5 APPLICATION Z05-11-029 EAST TEXAS MENTAL HEALTH (512 W CHARNWOOD STREET)**

**Request that the City Council consider approving a Special Use Permit on a property zoned "R-MF", Multi-Family Residential District. (O-2011- 39)**

Motion by Councilmember Heines; seconded by Councilmember Caraway; motion carried 7 - 0 & approved as presented.

**Z-6 APPLICATION Z05-11-030 MOBILE INVESTMENTS & PROPERTY RENTALS**

**Request that the City Council consider changing the zoning from "R-1B, Single-Family Residential District to "R-1D", Single-Family Detached and Attached District. (O-2011-40)**

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

**Z-7 APPLICATION Z05-11-031 HAIRSTON FAMILY PARTNERSHIP (7790 MORNING STAR DRIVE)**

**Request that the City Council consider changing the zoning from "AG", Agricultural District to "R-1A", Single-Family Residential District. (O-2011-41)**

**Chuck Colley, 8560 Carli Circle** – Stated that he was concerned with the extension going all the way through Hollytree Drive and wanted the City to do an objective study with the people that live in that area.

**Stacy Sims, 2031 Dueling Oaks** – Stated that she was against the road going through because kids play in that area and she did not want to see any fatalities.

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

**PUBLIC HEARINGS**

**H-1 Request that the City Council considering receiving a presentation, conduct a public hearing and consider public input on draft illustrative plan options for redistricting of single member council districts based on 2010 Census data.**

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**David Mendez, Bickerstaff Heath Delgado Acosta** – State that according to the 2010 census data, the City’s councilmember districts are not of sufficiently equal population and must be redrawn in order to comply with the “one-person, one-vote” principle established by the U.S. Constitution.

On April 6, 2011, the City Council adopted redistricting criteria as the framework for developing the City’s illustrative plan options. Two illustrative plan options, “A” and “B”, which shows proposed new boundaries for City Councilmember districts, have been drafted for the City Council’s consideration. The two options show different versions of councilmember district boundaries, which have been redrawn in an effort to attain proportionate representation in each of the six single member districts and to comply with all applicable federal and state redistricting laws.

It is recommended that the City Council conduct a public hearing to obtain citizen comment on the draft illustrative plan options and set a deadline for the submission of alternate plans from the public for the City Council’s consideration. Public comments or alternate plan proposals for City Council consideration should be submitted in accordance with Resolution R-2011-14, which contains a set of guidelines and criteria that will provide the City Council a means by which to evaluate and measure proposed plans. (Plan B attached)

City Council advised Mr. David Mendez, Bickerstaff Heath Delgado Acosta to publicize plan B and hold public hearing on June 8, 2011.

## **ORDINANCE**

**O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 to amend the 2006 International Building Code regulations related to fire-suppression requirements for aircraft hangars, design deadload requirements, and restroom facility requirements for Storage and Warehouse Occupancies. (O-2011-42)**

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

**O-2 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 6 by adopting amendments to the 2006 International Fire Code relating to outdoor burning, amusement buildings and airport hangar suppression requirements. (O-2011-43)**

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

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to award the construction contract for the 2011 Asphalt Enhancement Program, to the low bidder, Reynolds & Kay Limited, in the amount of \$1,871,025.85. ©**

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Motion by Councilmember 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 sign and acknowledge a permanent right-of-way use agreement with Ron Mabry for the placement of landscaping, irrigation and sidewalk at or near 202 South Broadway Avenue in the City of Tyler right-of-way (ROW). ©
- C-A-2** Request that the City Council consider authorizing the City Manager to purchase one 2011 John Deere 5065M Tractor for the Code Enforcement Department.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase one 2011 Lee Boy 8510B Asphalt Paver for Street Department.
- C-A-4** Request that the City Council consider declaring certain City of Tyler vehicles and miscellaneous vehicle parts as surplus and authorize for auction.
- C-A-5** Request that the City Council consider authorizing the City Manager to purchase two frontload cabs and chassis from East Texas Mack Sales through the HGAC purchasing cooperative; purchase two frontload bodies from McNeilus Truck and Manufacturing through the BuyBoard purchasing cooperative; accept the 36-month estimated buy-back agreement for these vehicles from East Texas Mack Sales and confirm the sell-back of frontload units 08760 and 08761 to East Texas Mack Sales.
- C-A-6** Request that the City Council consider adopting a Resolution agreeing to the sale of a certain lot located at 2106 Old Jacksonville, located within the City of Tyler city limits, and owned by taxing entities including the City of Tyler. (R-2011-19)
- C-A-7** Request that the City Council consider authorizing the City Manager to execute Work Order No. 16 for engineering services with Wisenbaker, Fix and Associates for the Runway 4-22 Geographic Information System (GIS) Survey at Tyler Pounds Regional Airport in an amount not to exceed \$113,494.10, and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$5,674.70. ©
- C-A-8** Request that the City Council consider recommending ratification of a Non-Federal Reimbursable Agreement between the Federal Aviation Administration (FAA) and Tyler Pounds Regional Airport for the relocation and replacement of Navigational Aids (NavAids), and consider ratifying payment to the FAA in the amount of \$219,361.36, and that the Half Cent Sales Tax Board consider funding the maximum local obligation of \$10,968.07. ©

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**C-A-9 Request City Council consider authorizing the City Manager to create a 9000 sq. ft. lot from city owned property on the east side of Eastside Road at the intersection of Eastside Road and Bradshaw Road, at Lake Tyler, for the purpose of creating an On-site Sewerage Facility (OSSF) disposal field for Lot 23, Bradshaw Point Subdivision.**

**C-A-10 Request that the City Council consider authorizing the City Manager to execute an Easement and a Right of Way with Oncor Electric Delivery Company LLC. ©**

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

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

1. Lindsey Park Trail (bike) proposal in early stages, no funding yet.
2. Developers Roundtable studying latest round of FEMA drainage/flood plain maps, and discussing with FEMA.

### **RECESS FOR EXECUTIVE SESSION**

**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 SCMUD #1
2. Possible contemplated litigation involving TTUC (Algonquin)
3. Possible contemplated litigation involving Holigan Development & Guinn Farms Subdivision

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

No final action taken

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**ADJOURNMENT**

Motion by Councilmember Whatley to adjourn the meeting at 10:39 am; seconded by Councilmember Caraway; motion carried 7 - 0 & meeting adjourned.



BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

