

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
November 16, 2011**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 16, 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  
Councilmembers: Martin Heines  
Donald Sanders  
Mark Whatley  
Ralph Caraway  
Jason Wright

City Manager: Mark McDaniel  
City Attorney: Gary C. Landers  
Deputy City Attorney: Steve Kean  
Human Resources Director: ReNissa Wade  
Development Services Engineer: Michael Wilson  
Neighborhood Services Manager: Brenda Johnson  
City Engineer: Carter Delleney  
City Fire Chief: Tim Johnson  
City Police Chief: Gary Swindle  
Director of External Relations & Organizational Development: Susan Guthrie  
Director of Parks and Recreation: Stephanie Rollings  
Director of Planning and Zoning: Barbara Holly  
Director of Solid Waste: Dan Brotton  
Transit Manager: Heather Nick  
Director of Utilities & Public Works: Greg Morgan  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember Caraway.

**MINUTES**

Motion by Mayor Pro Tem Mezayek to approve the November 9, 2011 minutes; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

**ZONING**

**Z-1 APPLICATION S11-11-001 ORLENE MAYFIELD (2501 MADISON AVENUE)  
Request that the City Council consider a special use permit for a one-chair beauty salon on property zoned "R-1B", Single-Family Residential District. (O-2011-95)**



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

**Z-2 APPLICATION Z11-11-001 COLUMBUS W. JACKSON (1113 SOUTH FRANCIS AVENUE)**

Request that the City Council Consider changing the zoning from "R-2", Two-Family Residential District to "R-1B", Single-Family Residential District.(O-2011-96)

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

**Z-3 APPLICATION Z11-11-002 DOUBLE D RENTALS (1428 & 1430 DUNCAN STREET)**  
Request that the City Council Consider changing the zoning from "M-2", General Industrial District to "R-1B", Single-Family Residential District. (O-2011-97)

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

**Z-4 APPLICATION Z11-11-004 VILLAS OF HOLLYTREE**  
Request that the City Council Consider changing the zoning from "PMF", Planned Multi-Family District to "PXR", Planned Mixed Residential District with final site plan. (O-2011-98)

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

**PUBLIC HEARINGS**

**H-1 APPLICATION A09-11-007 MANSION CREEK ANNEXATION**  
Request that the City Council conduct a public hearing and consider public input on the proposed annexation of Mansion Creek. The proposed annexation area consists of territory lying adjacent to and contiguous to the present boundary limits of the City of Tyler, approximately 15 acres of land contained in Lots 1-39 of the Final Plat of Mansion Creek as recorded in Cabinet E, Slide 32B of the Plat Records of Smith County, Texas.

**ORDINANCE**

**O-1 Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 15 to adopt a proposed gas franchise ordinance with Atmos Energy Corporation on the second of three required readings. (No ordinance number)**

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 7, Article III., and Chapter 18, Article II. authorizing the City Manager, under certain circumstances, to waive and approve the release of weed/debris liens and demolition liens up to the amount of \$10,000 or up to any dollar amount when an**

**applicant completes paperwork with the City Development Services Department verifying certain criteria. (O-2011-99)**

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

- O-3 Request that the City Council consider approving an Ordinance amending the City of Tyler Code Chapter 19, "Utilities", to amend Division 2, Section 19-170, "Public barge docks;" Division 5, Section 19-201, "Leases – applicable fees," Section 19-205, "Leasehold construction and location," and Section 19-206, "Water and sanitation;" and Division 6, Section 19-220, "Miscellaneous Fees," and Section 19-221, "Fees application to lease. (O-2011-100)**

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

- O-4 Request that the City Council consider adoption of an Ordinance accepting a petition from the City of Tyler to include certain City of Tyler- owned areas around and including Lake Tyler and Lake Tyler East, that are not within the existing extraterritorial jurisdiction of another city, to be included within the City of Tyler Extraterritorial Jurisdiction. (O-2011-101)**

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

## **MISCELLANEOUS**

- M-1 Request that the City Council consider authorizing the City Manager to execute a contract with Ballard & Braughton Engineering PLLC, to provide engineering services for the Palace Avenue Improvements Project for a total contract amount not to exceed \$199,523. ©**

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

- M-2 Request that the City Council consider authorizing the City Manager to execute a contract with Johnson & Pace Incorporated, to provide engineering services for the City Wide Miscellaneous Sidewalk Improvements Project for a total contract amount not to exceed \$255,878.05. ©**

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

- M-3** Request that the City Council consider authorizing the City Manager to execute an interlocal agreement with the Texas Department of Transportation (TxDOT) for the ability to place a gateway monument sign in TxDOT right-of-way. ©

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

- M-4** Request that the City Council consider authorizing the City Manager to purchase playground equipment for City Park, Glass Recreation Center, Griffith Park, and Lindsey Park from Game Time Playground Company, a member of the US Communities (USC) Purchasing Cooperative totaling \$86,307.44.

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

- M-5** Request that the City Council consider adoption of an updated Resolution approving the continued participation in the Texas State DIR (Department of Information Resources) Program and General Services Commission Local Government Purchasing Program, and authorizing the City Manager to renew several annual leases for technology equipment including computers, software, and telephones from approved vendors previously obtained through this program for Fiscal Year 2011-2012. (R-2011-37)

Motion by Councilmember Caraway; seconded by Mayor Pro Tem 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 approving partial acceptance and releasing partial retainage in the amount of \$178,787.34 to Reynolds and Kay, Ltd for the Highway 69 and Interstate 20 Water Improvements project.
- C-A-2** Request the City Council authorize the expenditure of \$99,755 for Mandated Water Quality Assessment Fee to the Texas Commission on Environmental Quality.
- C-A-3** Request that the City Council consider authorizing the City Manager to purchase a monument sign, plants (trees, shrubs, and roses), and mulch/soil in the amount of \$56,716.00 to complete the median project along Gentry Parkway.
- C-A-4** Request that the City Council consider authorizing the City Manager to purchase one half ton extended cab CNG powered truck.

November 16, 2011

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

**CITY MANAGER'S REPORT**

1. Reminder of 1 meeting in December, 12-14-11
2. Happy Thanksgiving

**RECESS FOR EXECUTIVE SESSION** – Recess for executive session at 9:35 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:


1. Possible or contemplated litigation relating to the resolution of extraterritorial jurisdiction boundaries with the City of Whitehouse
2. Possible or contemplated litigation relating to the resolution of extraterritorial jurisdiction boundaries with the City of Winona
3. Possible contemplated litigation involving TTUC (Algonquin)
4. Possible contemplated litigation involving Guinn Farms subdivision street conditions

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

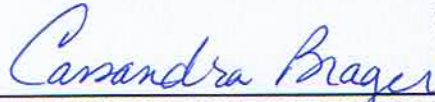
City Council reconvened from executive session at 10:09 with no action taken.

**ADJOURNMENT**

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

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK TEXAS

