

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
November 13, 2013**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 13, 2013 at 9:00 a.m. in the City Council Chambers, 2<sup>nd</sup> floor of City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass  
Mayor Pro Tem: Martin Heines  
Councilmembers: Mark Whatley  
Darryl Bowdre  
Sam Mezayek  
Edward Moore  
John Nix

City Manager: Mark McDaniel  
Asst. City Manager: Susan Guthrie  
City Attorney: Deborah G. Pullum  
Deputy City Attorney: Steve Kean  
Airport Manager: Davis Dickson  
Main Street Director: Beverly Abell  
Managing Director for Administration: ReNissa Wade  
Neighborhood Services Manager: Brenda Johnson  
Chief Financial Officer: Keidric Trimble  
Chief Information Officer: Benny Yazdanpanahi  
City Engineer: Carter Delleney  
City Fire Chief: Tim Johnson  
Managing Director for Public Safety  
& Police Chief: Gary Swindle  
Director of Parks and Recreation: Stephanie Rollings  
Director of Solid Waste: Russ Jackson  
Vehicle/Equipment Services Manager: Leroy Sparrow  
Senior Public Relations Specialist: Serena Butcher  
Director of Planning: Heather Nick  
Managing Director for Utilities/Public  
Works and Utilities: Greg Morgan  
Traffic Engineer: Peter Eng  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Brother Odel Newsome, Associate Minister of Universal Heights Church of Christ, Tyler.

**MINUTES**

Motion by Councilmember Mezayek to approve the October 23, 2013 minutes; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented

**EMPLOYEE AWARDS – RECOGNITIONS, SERVICE**

**A-1 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of October, 2013. We would like to take this opportunity to welcome these new employees.

**New Employees**

<b>FIRST NAME:</b>	<b>LAST NAME:</b>	<b>POSITION:</b>	<b>DEPARTMENT:</b>
Clarisse	Gregg	Airport Technician I	Airport
Tiffany	Frith	Permit Technician	Development Services
Adrienne	Leach	Project Engineer	Engineering
Alexa	Cunningham	Outreach Technician Part-Time	Library
Rinehart	Moehrig, III	Circulation Technician Part-Time	Library
Angela	Reider	Custodian Part-Time	Parks & Recreation
Joshua	Darty	Police Recruit	Police
Joshua	Decur	Police Recruit	Police
Nickolas	Green	PS Telecommunicator II	Police
Tracy	Landry	Data Management Specialist	Police
Devonia	Louis	Police Recruit	Police
Donald	Schick	Police Recruit	Police
Kimberly	Seliga	Police Recruit	Police
Ty	Sorrell	Police Recruit	Police
Julian	Gordon	Residential Equipment Operator	Solid Waste
Carl	McGowan	Bus Driver Part-Time On-Call	Transit
Matthew	Lough	Equipment Mechanic I	Vehicle Services

**A-2 Recognition of Texas Downtown Association Award – Beverly Abell** – Stated that this is an award won by the volunteers and supporters of the Main Street Department 6x6 One Ten project. This award recognizes excellence, creation and execution of a downtown district promotional event. The Heart of Tyler and the Main Street Department and its volunteers have received 15 TDA awards with 8 of those in the last 5 years.

**ZONING**

**Z-1 Z11-13-004 TYLER INDEPENDENT SCHOOL DISTRICT (3000 BORDER AVENUE)**

Request that the City Council consider approving a zone change from “R-2”, Two-Family Residential District, to “PCD”, Planned Commercial Development District with final site plan. (O-2013-99)

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**Dorotheia Taylor, 2812 N. Glass** – Stated that she was in favor of the proposed use as long as the uses conform to those agreed to by the neighborhood at the Community meeting.

Motion by Councilmember Moore; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented.

**Z-2 F11-13-004 JW SUBDIVISION, FINAL PLAT**

**Request that the City Council consider approving a plat for a three lot subdivision containing approximately 8.81 acres of land located at the east intersection of East Grande Boulevard and Troup Highway, and a waiver of \$132,250 in escrow for street improvements. Councilmember Whatley exits and abstains.**

Motion by Councilmember Mezayek; seconded by Councilmember Bowdre; motion carried 6 - 0 - 1; approved as presented

**PRESENTATIONS**

**P-1 Request that the City Council receive a presentation from MHS Planning and Design, LLC of Tyler, Texas, on the Bergfeld Park Master Plan and consider adoption of the Master Plan.**

**Stephanie Rollings, Director of Parks & Recreation** - Stated that in March, 2013, Tyler Parks and Recreation was approached by a group of residents in the Bergfeld Park neighborhood, who were interested in sponsoring a Master Plan for the park. Upon approval, the group raised the money for the Master Plan and chose MHS Planning and Design, LLC of Tyler, Texas, to create a Master Plan for the property.

**Don Warren, 1614 S. College** – Stated that a focus group, consisting of individuals with either a home or business property in the Bergfeld area, met several times to discuss the direction of the plan with MHS and City Staff. Additionally, a public meeting was held on September 5, 2013 at the Bergfeld Park amphitheater to further discuss the direction of the project. More than 60 people from the surrounding neighborhood attended. After receiving input from the various groups, a final Master Plan and budget was developed

**Mark Spencer, 212 W. 9th** – Stated that in the Master Plan, it addresses five areas to be renovated at the Park including: the playground, tennis courts, amphitheater, splash area and landscaping. Plans for the five areas have been developed so that they may be completed in stages as the funding becomes available.

Plans call for new playground equipment, renovated tennis courts, removing some of the amphitheater fixed seats to create a grassy picnic area for families, and the creation of a landscape barrier to separate children in the splash area from the traffic on Broadway.

**Bill McKenzie, 2801 Wexford** – Stated that he wanted to say from a Parks Board member standpoint, he would like to use this as an example and set this as a precedence. This can be a way that all of the neighbors in the different park areas can come to us and tell us what they

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want and then help to facilitate. We have seen such a wonderful response from the people in the neighborhood of Bergfeld Park and we just think this could happen all over the City.

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

## **PUBLIC HEARINGS**

**H-1 Request that the City Council conduct a public hearing and consider adoption of a Resolution authorizing tax-exempt financing by the Orchard Cultural Education Facilities Finance Corporation for the benefit of East Texas Medical Center Regional Healthcare System, with no financial obligation to the City of Tyler. (R-2013-26).**

**Keidric Trimble, Chief Financial Officer** – Stated that East Texas Medical Center Regional Healthcare System is borrowing, on a tax-exempt basis, a loan to finance the cost of renovating facilities and acquiring and installing equipment at East Texas Medical Center Tyler. This includes energy conservation and electrical infrastructure equipment, HVAC and fire protection equipment, upgrades and improvements to existing electrical infrastructure, and mechanical and architectural work. The loan is facilitated by the Orchard Cultural Education Facilities Finance Corporation, and Andrews Kurth serves as bond counsel for the transaction.

The City of Tyler is not being asked to undertake any financial obligation. The transaction will not be a debt or liability of the City. The requested consent of the City of Tyler is only for the purpose of complying with federal law regarding tax-exempt obligations.

Motion by Mayor Pro Tem Heines; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented

## **MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to award a bid to Sklarco, LLC for Oil and Gas Leases of four (4) land tracts totaling 53.2931 mineral acres owned by the City of Tyler.**

Motion by Councilmember Whatley to approve the drilling and no drilling leases including the no drill conditions on Northside Park and any of the City owned tracts; seconded by Councilmember Bowdre; motion carried 7 - 0 & approved as presented

**M-2 Request that the City Council consider authorizing the City Manager to award Work Order #4 with Wisenbaker, Fix and Associates in an amount not to exceed \$599,000 for the Preliminary Engineering Report and GIS Surveys for the runway 4/22 reconstruction and ILS relocation project at Tyler Pounds Regional Airport, and recommending that the Half Cent Sales Tax Board authorize the 10 percent local share in the amount of \$59,900.**

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

- M-3 Request that the City Council consider authorizing the City Manager to execute all necessary agreements for the purchase of property for the future location of an animal care facility. Councilmember Whatley abstains.**

Motion by Councilmember Mezeyek; seconded by Councilmember Moore; motion carried 6 - 0-1 & approved as presented

- M-4 Request that the City Council consider authorizing the City Manager to approve and execute a contract with Freese and Nichols, Incorporated for architectural programming and schematic design services for an animal care facility. Councilmember Whatley abstains.**

**David Long, Police Lieutenant III** – Stated that as part of the Lean Six Sigma initiative, an analysis of current animal control operations was performed. The analysis found that an animal care facility is needed to control escalating costs and to ensure cooperative oversight of animal control and shelter operations. The study also found that the new facility was needed to ensure all regulatory matters are addressed in a timely and effective manner and to improve accessibility of shelter services, resulting in quality responsive service to customers.

Estimated minimal requirements for the facility are 10,000 square feet with a capacity to hold 75 dogs and 50 cats at one time. This compares to the 12,000 square foot facility in Wichita Falls with an annual operating cost of \$805,000 or Collin County with a 10,000 square foot facility with a \$1,319,020 operating cost per year.

The 2012-2013 animal services contract cost to the City of Tyler was \$567,500, with an estimated 42 percent cost increase for a new contract, based on growing animal intake and estimates.

Freese and Nichols, a professional architectural and engineering firm with a Tyler office, has been contracted to execute a programing and schematic design to determine preliminary costs, the needs of the facility, and how the building and grounds would function

**Deborah Dobbs, 3311 Woods Blvd.** – Stated that she was here to make sure the City Council understood the SPCA of East Texas' role over the last several years, their commitment to and their investment in this project. Ms. Dobbs stated that in 2007, it was documented that 9,665 animals were euthanized and half of those animals were City of Tyler dogs and cats. Therefore, approximately the number of animals the City is estimating impounding today is the same number as in 2007. She stated that the SPCA's concern is that the documentation record has not been accurate and that the City will be impounding and euthanizing a lot more animals than what they are estimating. Ms. Dobbs stated that in 2010 the SPCA of East Texas (SPCA) established their own non-profit organization and invested \$13,000 in a feasibility and needs assessment, which was done with donor funds for the City of Tyler. A firm was hired out of Denver, Colorado and they reported that the City of Tyler in

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2010 exceeded the national average in over population by six percent (6%) and that the SPCA could not build a big enough facility. Ms. Dobbs stated that the SPCA regrouped and in 2012 received a 62 acre donated tract of land that sits on Grande Extension between Highway 155 and Old Jacksonville Highway. The City currently has a temporary holding facility on that tract of land. Two acres of land is being used by the City for a temporary shelter while the animals await their transport to Jacksonville. That facility is not designed for long term housing and sheltering of animals. Ms. Dobbs stated that their concern has been that they were asked to wait on their plans, and they did, and now the City is saying that they do not want to build on the SPCA's land. She stated that the SPCA wants to give the City 20 acres for a dog park and 10 acres or less for the shelter but this offer has been declined because the City needed \$200,000.00 from the SPCA to put their building on that land. Ms. Dobbs stated that the SPCA just wants the City to know that they have invested thousands and thousands of dollars and will continue to move forward with their plans; there will be an adoption center at that site. Ms. Dobbs stated that although the SPCA was hopeful to partner with the City and be right next door, whatever the City decides to do the SPCA is glad that a facility is being built. They just wished that the City would consider everything that has been done by SPCA.

**Georgia DeKoker, 3303 CR 427** – Asked if the City was considering spade and neutering and stated that would be the place to put money and control the population of domestic animals. Ms. DeKoker inquired whether the City could consider regulating animal population by registering animals in the City and allowing for population growth here in the City instead of annihilating animals.

Motion by Councilmember Mezayek; seconded by Councilmember Moore; motion carried 6 - 0-1 & approved as presented

**M-5 Request that the City Council consider authorizing the City Manager to approve and execute a contract with SunGard Public Sector software, Firehouse software, and BB&T Governmental Finance for the upgrade of Public Safety Core Application Software.**

Motion by Councilmember Bowdre; 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 award the bid of surplus properties in accordance with State law to Jay Hampton.**

**C-A-2 Request that the City Council consider approving a Reconciliation Change Order and final payment and release of retainage in the amount of \$38,850, to A.E. Shull**

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and Company for construction of the Charleston Park Booster Pump Station project.

- C-A-3** Request that the City Council consider adopting an ordinance amending City Code Chapter 17, by adding a school speed zone for East Texas Christian Academy. (O-2013-100)
- C-A-4** Request that the City Council consider authorizing the City Manager to execute a new Commercial Airline Operating Permit with American Airlines, Inc.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute a new Commercial Airline Lease with United Airlines, Inc.
- C-A-6** Request that the City Council consider authorizing the City Manager to award a contract, in the amount of \$46,500, to Wharry Engineering for the design and oversight of the Rose Garden and Police Station (old section) Roof Replacement Project.
- C-A-7** Request that the City Council consider adopting an Ordinance amending the FY 2013-2014 Budget to provide funding to complete various construction projects, motor vehicle purchases and other purchases not completed by September 30, 2013 as anticipated. (O-2013-101)
- C-A-8** Request that the City Council consider adopting an Ordinance amending the Fiscal Year 2013-2014 Budget to provide funding to complete various CDBG, HOME and Housing Choice Voucher Program activities, construction projects, and purchases not completed by September 30, 2013 as anticipated. (O-2013-102)
- C-A-9** Request that the City Council consider authorizing the City Manager to award a construction contract for the Troup Highway Standpipe Painting project to N.G. Painting, L.P., in the amount of \$284,500.
- C-A-10** Request that the City Council consider authorizing the City Manager to purchase various vehicles and equipment from Buy Board and the lowest qualified bid received from Bids 14-001 and 14-002.
- C-A-11** Request that the City Council consider ratifying the settlement agreement between the City and The Yield Master Fund, one of the defendants in the suit styled *City of Tyler vs. VJ Enterprises, Inc. et al. dba Ramada Hotel*, in the amount of \$22,500.

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

## **BOARD APPOINTMENTS**

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**B-1 Request that the City Council consider adopting a Resolution appointing a City of Tyler representative to the Smith County Appraisal District Board of Directors. (R-2013-27)**

Motion by Mayor Pro Tem Heines to appoint Councilmember Whatley; seconded by Councilmember Nix; motion carried 7 - 0 & approved as presented

**CITY MANAGER'S REPORT**

1. Recognized Stephanie Rollings for her participation in the Iron-man competition.
2. Monthly CIP Report handed out.
3. Lake Tyler newsletter going out to residents today.
4. No executive session needed.

**RECESS FOR EXECUTIVE SESSION – No executive session needed**

**Executive Item No. 1:**

Under Section 551.072 "Real Estate" deliberation regarding the following:

Discuss the purchase, exchange, sale, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities.

**Executive Item 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.

**Any final action to be taken by the City Council will be taken in open session.**

**ADJOURNMENT**

Motion by Councilmember Whatley to adjourn the meeting at 10:22 am; seconded by Councilmember Bowdre; motion carried 7 - 0 & meeting adjourned.

  
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BARBARA BASS, MAYOR OF



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**THE CITY OF TYLER, TEXAS**

**ATTEST:**

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK

