

**MINUTES OF THE  
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
November 9, 2016**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 9, 2016 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:	Martin Heines
Mayor Pro Tem:	John Nix
Councilmembers:	Mark Whatley <b>absent</b>
	Linda Sellers
	Darryl Bowdre <b>absent</b>
	Ed Moore
	Don Warren
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Airport Manager:	Davis Dickson
Managing Director for Administration:	ReNissa Wade
Manager for Organizational Development:	Kristi Boyett
Chief Information Officer:	Benny Yazdanpanahi
City Engineer:	Carter Delleney
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Managing Director of Culture, Recreation and Tourism Services:	Stephanie Rollings
Director of Solid Waste & Transit Services:	Russ Jackson
Vehicle/Equipment Services Manager:	Leroy Sparrow
Managing Director of Planning & Economic Development:	Heather Nick
Water Business Office Manager:	Jim Yanker
Interim Managing Director for Utilities /Public Works:	Gordon Mayer
Development Manager:	Greg Morgan
Traffic Engineer:	Peter Eng
City Clerk:	Cassandra Brager

**INVOCATION**

The Invocation was given by Mayor Pro Tem Nix.

**MINUTES**

Motion by Mayor Pro Tem Nix to approve the October 12, 2016 minutes; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

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

### **A-1 New Hires Recognitions**

The following employees were hired by the City of Tyler during the month of October 2016. 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>
Steven	Murry	Fire Recruit	Fire
Clay	Starling	Fire Recruit	Fire
Will	McElroy	Fire Recruit	Fire
Thomas	Gortmaker	Fire Recruit	Fire
Vincent	Boyd	Plant Operator I	Water
Tracy	Black	Residential Equipment Operator	Solid Waste

- A-2 Request that the City Council receive an award presentation recognizing David Hudson as the recipient of the Texas Chapter of the American Planning Association’s 2016 Planning Commissioner Award.**

**Heather Nick, Managing Director of Planning & Economic Development** – Recognized David Hudson as the recipient of the Texas Chapter of the American Planning Association’s 2016 Planning Commissioner Award.

- A-3 Request that the City Council consider awarding the “PEP Business Plan of the Quarter” to the Engineering Department for a focus on continuous improvement, transparency and data-driven decision making.**

**Kristi Boyett, Manager for Organizational Development** – Awarded the Engineering Department with the PEP Business Plan of the Quarter Certificate.

## **ZONING**

- Z-1 PD16-013 SUNSET ENTERPRISES, INC (5113 TIMBER CREEK DRIVE) Request that the City Council consider approving a “POD”, Planned Office District site plan amendment. (O-2016-101)**

**Tara McSwain, 1234 Waterford Ct**– Stated that she did not have any objections to the zoning change but expressed concerns regarding an easement and potentially having to take down a fence.

Councilmember Warren and staff expressed to Ms. McSwain that her concerns seemed like civil matter independent of the current zoning change.

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Motion by Mayor Pro Tem Nix; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

## **PRESENTATION**

- P-1 Request that the City Council consider receiving a presentation from Tyler Water Utilities regarding a Consent Decree related to the sanitary sewer system and request approval for Tyler Water Utilities to enter into the Consent Decree with the USEPA.**

Lisa Crossman, Water Administration Office, and Jim Matthews, Matthews & Freeland LLP, gave a brief presentation:

Tyler Water Utilities owns and maintains approximately 690 miles of sewer mains in sizes ranging from 6-inches to 54-inches in diameter and more than 9,000 manholes. In addition, the City owns and maintains twenty-two sewer lift stations that are located throughout the City. As the system has aged, pipes and manholes have begun to crack or break. In addition, sewer mains frequently experience blockages from grease, roots, or other debris. As the City has grown, certain segments of the sewer system, including lift station pumps, may no longer be adequately sized to carry the expected wastewater flows generated in that area. All of these issues have resulted in discharges of untreated sewage. In 2009, Tyler Water Utilities was contacted by the United States Environmental Protection Agency (USEPA) regarding these sewage discharges. Since then, we have been negotiating a resolution with the USEPA which will involve entering into a Consent Decree and paying a civil penalty in the amount of \$563,000. Presented today is an overview of the Consent Decree.

**City Manager Ed Broussard** –clarified this decree only pertains to our wastewater system and not our drinking water.

Motion by Councilmember Moore to enter into the Consent Decree with the USEPA; seconded by Mayor Pro Tem Nix; 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 authorizing the City Manager to execute an agreement with Suddenlink Communications for fiber optic connectivity.**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase various vehicles and equipment from Buy Board and low bid.**
- C-A-3 Request that the City Council consider authorizing the City Manager to execute the Reconciliation Change Order with Reynolds & Kay, Ltd. decreasing the total contract amount by \$202,432.98, and increasing the time for completion by 117**

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calendar days, for the 2014 Runway 4-22 Rehabilitation Project 1 at Tyler Pounds Regional Airport.

- C-A-4** Request that the City Council consider authorizing the City Manager to execute a Release and Termination of Sewer Line Easement for a sewer main located in The Hamptons at Pine Forest development.
- C-A-5** Request that the City Council consider authorizing the City Manager to execute an Easement and Right of Way agreement across City-owned property on Cumberland Road.
- C-A-6** Request that City Council consider authorizing the City Manager to accept a proposal from Baker & Reid Company to make emergency repairs to the existing 60-foot long pedestrian bridge along the South Tyler Trails in an amount not to exceed \$62,808.
- C-A-7** Request that the City Council consider authorizing the City Manager to purchase department issued officer body armor vests from Nardis Public Safety in an amount not to exceed \$40,000.00 during Fiscal Year 2016-2017.

Motion by Mayor Pro Tem Nix; seconded by Councilmember Sellers; motion carried 5 - 0 & approved as presented.

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

1. Falkner Park bike trail was completed last week and is now open.
2. Citywide Sidewalk Improvements have started.
3. Curb and Gutter Improvements have started.
4. City is looking for private donations to place a marker in the Children's Park in memory of Kayla Gomez.
5. Donations will be accepted in appreciation of our veterans throughout today.

### **RECESS FOR EXECUTIVE SESSION** –no executive session held.

Executive Item No. 1:

Under section 551.071 "Litigation" deliberation regarding the following:


1. Pending or contemplated litigation involving Environmental Protection Agency v. City of Tyler.

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

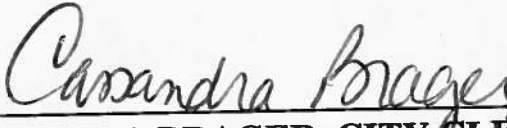
### **ADJOURNMENT**

Motion by Councilmember Warren to adjourn the meeting at 10:12 am; seconded by Councilmember Moore; motion carried 5 - 0 & meeting adjourned.

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MARTIN HEINES, MAYOR OF  
THE CITY OF TYLER, TEXAS

**ATTEST:**

  
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CASSANDRA BRAGER, CITY CLERK

