

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
June 28, 2023**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, June 28, 2023 at 9:00 a.m. in the City Council Chambers, 2nd floor of City Hall, Tyler, Texas, with the following present:

Mayor:	Don Warren
Mayor Pro Tem:	Brad Curtis
Councilmembers:	Stuart Hene
	Shirley McKellar
	Broderick McGee
	James Wynne
	Lloyd Nichols
City Manager:	Edward Broussard
Deputy City Manager:	Stephanie Franklin
Asst. City Manager:	Heather Nick
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Planning Director:	Kyle Kingma
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Operations Manager of Neighborhood Services:	Prentice Butler
Police Chief:	Jimmy Toler
City Engineer:	Darin Jennings
Director of Solid Waste, Transit:	Leroy Sparrow
City Clerk:	Cassandra Brager

INVOCATION

The Invocation was given by Councilmember Curtis.

MINUTES

Motion by Councilmember Wynne to approve the May 24, 2023 minutes; seconded by Mayor Pro Tem Curtis; motion carried 7 - 0 & approved as presented.

AWARDS

- A-1 Request that the City Council consider recognizing the following employee for his years of service and commitment to the City of Tyler. He represents 25 years of service with the City of Tyler.

Kenneth Wooten, Commercial Equipment Operator, 25 years of service

ZONING

- Z-1 S23-008 ROSEBRIAR OFF BROADWAY LP (2301 SOUTH BROADWAY AVENUE)**
Request that the City Council consider adoption of an Ordinance approving the Special Use Permit to obtain a variance to allow for a TABC license to sell alcoholic beverages within 300 feet of a church. **(O-2023-44)**

Motion by Councilmember Hene; seconded by Councilmember McGee; motion carried 7 – 0 & approved as presented.

- Z-2 Z23-011 POLO MOLINA (906 TURNER AVENUE)** Request that the City Council consider adoption of an Ordinance approving a zone change from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. **(O-2023-45)**

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 7 - 0 & approved as presented.

- Z-3 Z23-012 MICHAEL DIAZ (1409 NORTH PALACE AVENUE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “C-1”, Light Commercial District to “R-1D”, Single-Family Detached and Attached Residential District. **(O-2023-46)**

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

- Z-4 Z23-013 NEWMARK HOLDINGS LLC (1417 EAST EARLE STREET)**
Request that the City Council consider adoption of an Ordinance approving the zone change from “R-1B”, Single-Family Residential District to “PUR”, Planned Unit Residential District with a final site plan. **(O-2023-47)**

Luis Leandro, 3267 Old Noonday Rd – Spoke in favor of the zoning change for his property.

Motion by Councilmember Wynne; seconded by Councilmember McGee; motion carried 7-0 & approved as presented.

- Z-5 A23-003 GARRETT MOORE COMPANY (55.06 ACRES OF LAND)**
Request that the City Council consider adoption of an Ordinance providing for the voluntary annexation of approximately 55.06 acres of land lying adjacent to the present boundary limits of the City of Tyler located west of the intersection of Elkton Trail and Old Noonday Road. Also consider recommending:
- A. The new boundary of the City Limits.
 - B. The new boundary of the City Council District #2.
 - C. The new boundary of the Tyler Extraterritorial Jurisdiction (ETJ).
 - D. That the City Manager be authorized to sign a written agreement for provision of City services per Texas Local Government Code Section 43.0672.
 - E. Amendment of the Future Land Use Guide to reflect Mixed-Use Center.
 - F. Establishment of Original zoning of 10.80 acres of “C-1”, Light Commercial District, 14.20 acres of “R-MF”, Multi-Family Residential District, and 30.00 acres of “R-1A”, Single-Family Residential District. **(O-2023-48)**

Motion by Councilmember McGee; seconded by Councilmember Hene; motion carried 7 - 0 & approved as presented.

- Z-6 Z23-014 GARRETT MOORE COMPANY (3556 WEST GRANDE BOULEVARD)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “C-1”, Light Commercial District and “C-2”, General Commercial District to “R-MF”, Multi-Family Residential District and “C-1”, Light Commercial District. (O-2023-49)

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

- Z-7 PD23-009 SIDAR BUILDERS LLC (2429 AND 2505 ALTA MIRA DRIVE AND 2901, 2909, 2911, 2915, 2919, 2923, 2929, AND 2931 MEDINA DRIVE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-1A”, Single-Family Residential District to “PUR”, Planned Residential District with Final Site Plan. (O-2023-50)

Adam Reeves, 3930 Glade Rd. Colleyville, Tx – Gave a history of the “PUR, versus the straight zoning.

Motion by Councilmember Nichols to approve the zoning with sidewalks; seconded by Councilmember McGee; motion carried 7 – 0 & approved as presented.

- Z-8 S23-007 OFB GROUP LLC (220 WEST ERWIN STREET)** Request that the City Council consider adoption of an Ordinance approving the Special Use Permit to obtain a variance to allow for a TABC license for the sale of alcoholic beverages within 300 feet of a church. (O-2023-51)

Robert and Tina B, 4 22nd Street, Chandler, Tx. – Stated they were here to explain how excited they were to open a wine bar. They started this with a nutrition bar in the same location and the business did not make. After several people came in and said this would make a great beer and wine location because it's just a beautiful building that the Vaso's have reconstructed. They've always wanted to be downtown, and they knew downtown was going to get even better. The reason why they are here is to see if council would approve the Special Use Permit for longer than a year.

Motion by Councilmember Wynne to approve the special use permit to be more in line with others that they have granted in this area that are indefinite; seconded by Councilmember McGee; motion carried 7-0 & approved as presented.

- Z-9 Z23-009 KLT HOLDINGS LLC (530 NORTH WARD AVENUE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “R-MF”, Multi-Family Residential District to “R-2”, Two-Family Residential District. (O-2023-52)

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 7-0 & approved as presented.

- Z-10 Z23-010 J. ANGEL AND MARIELA GONZALEZ (139 FOREST AVENUE)**
Request that the City Council consider adoption of an Ordinance approving a zone change from “RPO”, Restricted Professional Office District to “R-1A”, Single-Family Residential District. (O-2023-53)

Motion by Councilmember McGee; seconded by Councilmember McKellar; motion carried 7 – 0 & approved as presented.

RESOLUTION

- R-1 Request that the City Council consider adopting a Resolution authorizing City staff, as the designated representative of the City of Tyler, to submit the application for new sidewalk addition on E. Devine Street with the Texas Department of Transportation for the 2023 Transportation Alternatives Set- Aside (TA) Program and committing local matching funds if awarded. (R-2023-34)**

Motion by Councilmember Wynne; seconded by Mayor Pro Tem Curtis; motion carried 7 - & approved as presented.

ORDINANCE

- O-1 Request that the City Council consider adopting an Ordinance updating and amending regulations in City Code Chapter 7 related to substandard buildings. (O-2023-54)**

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

- O-2 Request that the City Council consider receiving a presentation on the Family Self-Sufficiency and Housing Choice Voucher Program's FY 2023-2024 Annual Plans and consider adopting an Ordinance related to approval. (O-2023-55)**

Motion by Mayor Pro Tem Curtis; seconded by Councilmember Wynne; motion carried 7 – 0 & approved as presented.

MISCELLANEOUS

- M-1 Request that the City Council consider adopting an ordinance amending Tyler City Code Chapter 15, Franchises by amending Article VI. Rights-of- Way Use and Construction. (O-2023-56)**

Councilmember Hene – Stated that we can't limit it to where it has to be underground and we're giving them an option. Can we at least limit it to how they're spaced because right now it's at every single house and you're saying it could be four to five houses? Can we put a limitation on spacing?

Darin Jennings, City Engineer – Stated that a section can be added in that just says all facilities must be underground unless approved in writing by the City of Tyler.

Councilmember Nichols – Stated that he thinks that there should be some specific billing, if we're doing the work, utility repair work, because in emergency, we would want as a modification too. He is not talking about after hours only, but any time the city goes out, because our crews have their normal work schedules and if there's something that happens and they have to pull away, that's an extra cost to the city. He thinks we should have some special billing to those companies also if we're doing the repairs.

City Manager, Ed Broussard- And just for clarification, for repairs by utilities, if there is something that the city does the repair on, it'll be for cost reimbursement. So, the cost of the project, for the work that we've done. If they have to then bring in a licensed plumber, plus a restoration of the customer's service shall be within four hours of damage, and the cost of the repair shall be done by the right-of-way user and permit holder. Only a licensed plumber may perform repairs to customer sewer, water, and/or gas line services--they damage their own personal services to the house or business. So, you do already have it to where you have cost reimbursement to the site.

Darin Jennings, City Engineer – Stated that the difference is if it's the emergency overtime pay or if it's after hours pay or if it's the straight time. Asked Council if that is what council prefers?

Councilmember Nichols – Stated, “Yes.” I think it should be emergency because our crews are doing something anyway. They would have to pull away and there's a cost associated with that type of activity.

Motion by Councilmember Hene to approve the ordinance as written right now with the caveat of coming back at the July 12th City Council meeting to add in those two additional requirements that were discussed; seconded by Mayor Pro Tem Curtis; 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 approve the purchase of a FuelMaster upgrade via Sourcewell Contract 092920-JFA from JF Petroleum Group of Flower Mound, Texas in the amount of \$53,441.60.

C-A-2 Request that the City Council consider authorizing the City Manager to approve a reimbursement, in the amount of \$200,594.88, to Shackelford Creek Land Company, LLC for the construction of oversized water and sanitary sewer lines.

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

CITY MANAGER'S REPORT

1. First of which is we have the newest podcast out of Roses and Weeds featuring our very own Councilman Lloyd Nichols, so you can learn more about him and the things that he likes and doesn't like on that podcast.
2. We have our swimming pools open and one of the things that we're always mindful of is safety. One of the things I want to call out is on June 17 where a child became unresponsive at Fun Forest Pool and our trained Lifeguards, thankfully, and our Pool Staff quickly jumped into action and helped save the boy's life. We're very proud of our staff at the Fun Forest Pool and the work they did on that.
3. We just celebrated National Pollinator Week, so Keep Tyler Beautiful had quite a bit of activities going along with it. Keep Tyler Beautiful hosted a pollinator photo contest on Facebook. They got with East Texas Brewing Company and Dr. Factenstein to host a

- pollinator themed trivia night. We also worked with Brookshire's Grocery Company where they displayed signs on items containing pollinator-dependent ingredients.
4. Then, to finish off this week's celebration, we hosted our third annual Bee Day in the Rose Garden on Saturday. The community really came out for that and enjoyed it.
 5. Again, things for the community to come out and enjoy, next Tuesday is Independence Day. To celebrate our freedom, on that July 4th, every year at Lindsey Park starting at 3:00 p.m., and the fireworks going off at dusk. That's always a huge event. We really appreciate the fact that the community comes out to celebrate Independence Day with us.
 6. We also have an Air Show coming up on June 30th out at the airport that benefits Camp V.

Councilmember McKellar- Mr. Mayor, may I take this opportunity--I'm sorry. I met a young man at Silver Air Patrol last evening who just moved to Tyler, Texas, and he's in our audience today. I wanted to say hello to him. He just graduated from high school and he's going to be majoring in political science, so he came to join us today to see how government is run. His father is a cardiologist and neonatologist and so he's going to be practicing here in Tyler as well.

ADJOURNMENT

Motion by Councilmember McKellar to adjourn the meeting at 10:23 am; seconded by Councilmember McGee; motion carried 7-0; meeting adjourned.



**DONALD P WARREN, MAYOR OF
THE CITY OF TYLER, TEXAS**

ATTEST:


CASSANDRA BRAGER, CITY CLERK

