

ORDINANCE NO. O-2019-61

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 1 TO CREATE A MAIN STREET BOARD, TO ESTABLISH THE MAIN STREET BOARD AS A PERIODIC BOARD, AND AMENDING THE DEFINITION OF CITY OFFICER IN THE ETHICS ORDINANCE TO INCLUDE MEMBERS OF THE MAINSTREET BOARD; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the City Council has established various City boards to serve a particular purpose; and

WHEREAS, it is important to amend Tyler City Code Chapter 1 to establish the Main Street Board; and

WHEREAS, it is important to amend Tyler City Code Chapter 1 to establish the Main Street Board as a Periodic Board; and

WHEREAS, it is important to amend the definition of "City Officer" in the Ethics Ordinance in Tyler City Code Chapter 1 to include members of the Main Street Board

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That Tyler City Code Chapter 1, "General Provisions", Article III., "Boards", is hereby amended by amending Section 1-20 to read as follows:

Sec. 1-20. General Regulations

a. Definitions.

1. **Board:** A group created by the City Council to serve a particular purpose and with a membership set by the City Council, sometimes referred to as a Commission or Committee.
2. **Regular Board:** Boards that have regularly scheduled monthly or bi-monthly meetings, including the following:
 - Airport Advisory Board
 - Keep Tyler Beautiful Board
 - One-Half Cent Sales Tax Corp, Inc. Board
 - Park Board
 - Planning and Zoning Commission
 - Traffic Safety Board
 - Tyler Historical Preservation Board
 - Tyler Public Library Board
3. **Periodic Board:** Boards that either meet quarterly, less often, or only "as needed," including the following:
 - Animal Care Advisory Board
 - Audit Firm Review Committee
 - Board of Directors of Tax Increment Reinvestment Zone No. 1 (TIRZ No. 1)
 - Board of Directors of Tax Increment Reinvestment Zone No. 2 (TIRZ No. 2)
 - Board of Directors of Tax Increment Reinvestment Zone No. 3 (TIRZ No. 3)
 - Civil Service Commission
 - Construction Board of Adjustment & Appeals
 - Disability Issues Review Board
 - Industrial Development Corporation of Tyler Board
 - Main Street Board
 - Medical Control Board
 - Neighborhood Revitalization Board

Reinvestment Zone Committee
Redevelopment Authority Board
Tyler Health Facilities Development Corporation Board
Zoning Board of Adjustment

4. Members: All appointees to a board described herein who have voting authority.
5. Quorum: A majority of a board's members.

b. through o. No changes... (Ord. No. O-98-45, 5/27/98) (Ord. No. 0-2004-33, 5/12/04) (0-2008-108, 8/27/08) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2013-113; 12/11/13) (Ord. No. 0-2017-32; 4/12/17) (Ord. No. 0-2019-61; 7/24/19)

PART 2: That Tyler City Code Chapter 1, "General Provisions", Article III., "Boards", is hereby amended by amending the definition of "City Officer" in Section 1-26 to read as follows, with no other changes to the Definitions:

Sec. 1-26. Definitions

For purposes of this Article, the following definitions shall apply:

Agent: A person expressly authorized by the City to transact business or otherwise duly authorized to act on behalf of the City as the City's representative. This definition excludes City officers and City employees, which are defined elsewhere herein. This definition also excludes appointed or selected members of any City board, commission, committee, panel or other group that is advisory in nature only.

Business Entity: A sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law. This definition excludes the State government, State agencies, and political subdivisions of the state, including school districts, public colleges and universities.

City Employee: means the City Manager, all department leaders, and any other supervisory position appointed by the City Manager or selected by the department. Any City employee so appointed or selected must be notified in writing of this ordinance.

City Officer: means the Mayor, any elected City Council Member, the Municipal Court Judge, and any associate Municipal Court Judge(s). The term shall also include all appointed members of any City board, commission, committee, panel or other group that is more than advisory in nature, including, but not limited to, the Main Street Board, Planning and Zoning Commission, Zoning Board of Adjustment, Construction Board of Adjustment and Appeals, Civil Service Commission, Neighborhood Revitalization Board, Historical Preservation Board and the One-Half Cent Sales Tax Corporation, Inc. Board. (Ord. No. 0-2019-61; 7/24/19)

Contract: An award of money in return for land, materials, supplies, goods or services, to the City of Tyler, whether authorized by the City Council or by one of the City's representatives.

Direct Financial Interest: Defined in Sections 1-27.a. and c.

Indirect Financial Interest: Defined in Sections 1-27.b. and d.

Prohibited substantial interest (direct or indirect): Defined in Section 1-29.b.

Transaction: Means either a purchase or lease of land from the City of Tyler or a sale or lease of land to the City of Tyler. (Ord. No. 0-2005-33, 4/27/05) (Ord. No. 0-2012-71; 9/26/12) (Ord. No. 0-2017-32; 4/12/17) (Ord. No. 0-2019-61; 7/24/19)

PART 3: That Tyler City Code Chapter 1, "General Provisions", is hereby amended by adding a new Article X. to read as follows:

ARTICLE X. Main Street Board

Sec. 1-100. Tyler Main Street Board

a. Establishment, Membership, and Vacancies

Regular, voting board members. There is hereby created in and for the City a board to be known as the "Tyler Main Street Board," which shall be composed of seven (7) regular voting members who shall serve without compensation and who shall be appointed by the City Council. Regular members shall serve for terms as set forth in Section 1-20. Regular Board membership appointed by the City Council shall include two Heart of Tyler Executive Board members. The remaining five regular voting members may include, but are not limited to, residents of downtown Tyler, business owners in downtown Tyler, property owners, and/or individuals who share an interest in the preservation, revitalization and development of downtown Tyler.

b. The main purposes of the Main Street Board are, but are not limited to, the following:

1. Review the Downtown Revitalization Grant applications for approval. The Board shall have final authority regarding selection of the recipients for the Downtown Revitalization Grant.
2. Act in an advisory capacity to advocate downtown revitalization in Tyler, to assist in policy development for downtown Tyler, and to assist the Main Street Director in carrying out his/her responsibilities. This includes promoting incentives for downtown development, analyzing the use of Tax Increment Reinvestment Zone (TIRZ) funds, managing Main Street Gallery exhibits, and maintaining the working partnership with Heart of Tyler, Inc.
3. To develop/implement a Strategic Plan and Directives for the Main Street Program;
4. To review and participate in the Main Street Certification Reports;
5. To promote tourism;
6. To work with the City's Planning Department and Historical Preservation Board to encourage the preservation of buildings and sites of historical, traditional and cultural value, including overseeing the National Historic District nomination process;

7. To encourage arts and cultural activities to beautify and enrich the community life of Tyler;
8. To disseminate information, promote interest, encourage study and research, and act in an advisory capacity to interested groups or persons and organizations, regarding the above objectives.
9. To cooperate with other persons, groups and agencies in effecting the above objectives.

c. The Board shall serve in an advisory capacity to encourage community transformation by promoting the following Transformation Strategies for downtown Tyler:

1. Economic Vitality. Building a diverse economic base, catalyzing new investment, and cultivating a strong entrepreneurship ecosystem.
2. Design. Creating an inviting, inclusive atmosphere, celebrating historic character, and fostering accessible people-centered public spaces.
3. Organization. Building leadership and strong organizational capacity, ensuring broad community engagement, and forging partnerships.
4. Promotion. Marketing the downtown district's defining assets, communicating unique features, and supporting the buy-local experience.

(Ord. No. 0-2019-61; 7/24/19)

Sec. 1-101 - 105. Reserved

PART 4: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 5: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 24th day of July, A.D., 2019.

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



MHN
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY