

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
July 27, 2022**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, July 27, 2022, 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: Don Warren  
Mayor Pro Tem: James Wynne  
Councilmembers: Stuart Hene  
Shirley McKellar  
Broderick McGee  
Bob Westbrook  
Brad Curtis

City Manager: Edward Broussard  
Deputy City Manager: Stephanie Franklin  
Asst. City Manager: Heather Nick  
City Attorney: Deborah G. Pullum  
Senior Asst. City Attorney: April Earley  
Senior Asst. City Attorney: Alesha Buckner  
Director of Organizational Development: Regina Y. Moss  
Planning Manager: Kyle Kingma  
Chief Information Officer: Benny Yazdanpanahi  
City Fire Chief: David Coble  
City Librarian: Ashley Taylor  
Police Chief: Jimmy Toler  
Traffic Engineer: Cameron Williams  
Director of Utilities: Kate Dietz  
Parks Director: Leanne Robinette  
Director of Solid Waste, Transit: Leroy Sparrow  
City Clerk: Cassandra Brager

**INVOCATION**

The Invocation was given by Councilmember McGee.

**MINUTES**

Motion by Councilmember Westbrook to approve minutes of the special called meeting of the City Council of the City of Tyler, Texas held on June 14, 2022, and the regular called meeting held on June 22, 2022; seconded by Mayor Pro Tem Wynne; motion carried 7-0 & approved as presented.

**AWARDS**

**A-1 Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution**

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you make to our organization. They represent 145 years of service with the City of Tyler.

Jason Burton, Police Lieutenant II, 20 years of service  
Kerri Long, Police Officer XI, 20 years of service  
Richard Strother II, Police Officer XI, 20 years of service  
Daniel Forbey, Police Officer XII, 25 years of service  
Stephen Lockhart, Police Sergeant IV, 25 years of service  
Aureliano Viramontes, Laborer, 35 years of service

## ZONING

- Z-1 Z22-044 CLEAR MARKETING CONCEPTS LLC (1.03 ACRE PORTION OF 4000 SOUTHPARK DRIVE) Request that the City Council consider adoption of an Ordinance approving a zone change from "RPO", Restricted Professional Office District to "R-MF", Multi-Family Residential District. (O-2022-69)**

Motion by Councilmember Westbrook; seconded by Councilmember Curtis; motion carried 7 - 0 & approved as presented.

- Z-2 PD22-008 REED DEVELOPMENT COMPANY LLC (8025 AND 8029 CROOKED TRAIL AND APPROXIMATELY 21.83 ACRES OF LAND) Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1A", Single-Family Residential District to "PUR", Planned Unit Residential with final site plan. (O-2022-70)**

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

- Z-3 Z22-034 FLOREZ CORNELIO BENITEZ (2313 AND 2317 OLD GLADEWATER HIGHWAY) Request that the City Council consider adoption of an Ordinance approving a zone change from "M-2", General Industrial District to "R-1D", Single-Family Detached and Attached Residential District. This item was tabled at the June 22, 2022, City Council meeting.**

Motion by Councilmember Westbrook to un-table this item from the June 22, 2022 meeting; seconded by Mayor Pro Tem Wynne; motion carried 7 - 0 & item un-tabled.

Speakers that spoke on this item were Eduardo Florez, 2310 Old Gladewater Hwy, Mr. Florez brother, German Florez, 2310 Old Gladewater Hwy, and Cornelio Florez, 2310 Old Gladewater Hwy. and they were asking for the rezoning so that they could split the lots and get all of this taken care of before their father passes away.

**Heather Niskey, Phoenix Tyler, LLC** – Called in through zoom and stated, “We have made progress with German Florez and are working towards a resolution. We have had various discussions with Leo Florez but have not gotten to a resolution at this point. From hearing the conversation and from the conversations with Mr. Florez, we understand that his goal is to split the land. Phoenix doesn’t have an opposition to that splitting of the parcel, but we do remain

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opposed to the re-zoning of the parcel. Again, as we reiterated last month when we were there at the meeting, obviously, our property is M-2. It's industrial, we intend to use that property as industrial property. It makes no sense to us to have to have a parcel in the middle of this that's changed to residential. As you guys are aware that we talked of last time, we own many surrounding parcels around this area. We've been working on clear cutting these parcels. We're going to be doing industrial development. And for that, we hope to try to come to some sort of resolution with the Florez's, but at this point, we still, oppose that re-zoning."

Jo Dobbs, 16098 Treasure Cove, Bullard, Tx. Was in attendance for questions.

Motion by Councilmember Curtis to deny the request; seconded by Councilmember Hene; motion carried 7 - 0 & denied as presented.

Motion by Councilmember McGee to wave the variance fee that they would be responsible for; seconded by Councilmember McKellar; motion carried 7-0; approved.

- Z-4      Z22-040 KEN DIETZ HOMES INC (5304 AND 5308 OLD BULLARD ROAD) Request that the City Council consider adoption of an Ordinance approving a zone change from "AR", Adaptive Reuse District and "RPO", Restricted Professional Office District to "C-1", Light Commercial District. (O-2022-71)**

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

- Z-5      Z22-043 CRIMES CUSTOM BUILT HOMES LLC (2228 AND 2234 NORTH ROSS AVENUE) Request that the City Council consider adoption of an Ordinance approving a zone change from "C-2", General Commercial District to "R-1D", Single-Family Detached and Attached Residential District. (O-2022-72)**

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

- Z-6      Z22-046 MEZAYEK PATRICIA SHAFFER & FRANKLIN THOMAS SHAFFER (2019, 2027 AND 2033 PATRICIA DRIVE, 3020 WEST GENTRY PARKWAY, AND 2804 SHAFFER LANE) Request that the City Council consider adoption of an Ordinance approving a zone change from "R-1A", Single-Family Residential District to "C-1", Light Commercial District.**

**Dorinda Henderson Williams, Shaffer Lane** – Stated that she was here to represent the Shaffer Lane property owners. More property owners would have been here this morning but due to employment, it's impossible for them to attend. We are not opposing the fact that they want to sell the property, but we are petitioning the fact that it's going to be retail. And due to that fact, we have high drainage traffic drainage flow on our street right now and there's a possibility it's going to increase more and more. We're at the point of where the water is going to get into our houses. We have water coming from the west side as well as the north side and the south side. When it rains, it's like a flowing river flushing down on Shaffer Lane. And so, with

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this--being a retail in there, this water is going to increase because of the drainage system the way it's set up. It's not set up properly.

Due to the hereby protests any changes with the properties known as 2019, 2027 and 2033 that's on Patricia Drive, 3020 West Gentry Parkway and 2804 Shaffer Lane and all the Shaffer Lane property owners will be affected by this change. We, the property owners on Shaffer Lane, is protesting the re-zoning proposal. We have signatures and comments to submit regarding the protest against the re-zoning. Here are some of the reasons why the property owners are against the re-zoning.

1. The increase in the drainage problems, which is already due to inadequate drainage systems by the city.
2. This will cause high traffic flow on Shaffer Lane, which is a no-outlet street at this time.
3. This will cause high crime rates and violence within our neighborhood, which is a really quiet neighborhood. We've had a few burglaries there, but I think everybody in the neighborhood went to the point of installing security systems, so we haven't had that since then.
4. The safety of our children, because we allow the kids to ride up and down the streets on their bicycles. There will be an increase with crime possibilities for the kids if there's retail stores coming in there.
5. The street will accumulate lots of unwanted trash in the neighborhood.
6. This will affect the home values.
7. This could create a lot of accidents on the corner without a signal light due to the heavy shrubbery on the community of Shaffer and the high traffic flow down Gentry on 69.

We, the property owners on Shaffer Lane, have come together and made a unanimous decision to petition against the re-zoning of the 2.24 acres for retail. We humbly submit our petition to the city and the zoning to take deep consideration for request of zoning change to non-commercial zone change.

**Wanda Nash** – Stated that she was concerned about the drainage in the neighborhood. This area is not set up for commercial.

Motion by Councilmember Curtis to table item Z-6 for 30 days; seconded by Councilmember McKellar; motion carried 7 - 0 & tabled for 30 days.

## **HEARING**

**H-1 Request that the City Council consider holding a public hearing on the FY 22 - 23 Community Development Block Grant (CDBG) Program and HOME Investment Partnerships Program (HOME) Annual Action Plan and consider adopting an Ordinance approving this Plan. (O-2022-73)**

City Council opened for a public hearing at 10:23:33 am.

City Council closed the public hearing at 10:23:45am with no one coming forward to speak.

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

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- H-2 Request that the City Council consider conducting a public hearing for citizen participation and consider approving a substantial amendment to the 2019 Annual action plan of the Community Development Block Grant Program Coronavirus funds (CDBG-CV).**

City Council opened for a public hearing at 10:26:33 am.

City Council closed the public hearing at 10:26:45am with no one coming forward to speak.

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

### **RESOLUTION**

- R-1 Request that the City Council consider adoption of a Resolution authorizing the City Manager on behalf of the Police Department to seek grant funding from the Department of Justice; Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount not to exceed \$34,000.00 for the purchase of Leica Laser Scanner Investigative forensic equipment and all accessories associated with forensic investigations. (R-2022-21)**

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

- R-2 Request that the City Council consider adopting a Resolution authorizing the filing of an application with the Texas Parks and Wildlife Department (TPWD) for a Local Parks Grant and authorizing the City Manager to take all actions needed to receive and expend grant funds. (R-2022-20)**

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

### **CONSENT**

(These items are 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 ratifying the payment to The Management Connection in the amount of \$64,100 for a facilitated training for High Achieving Leaders Program Development in calendar year 2022.**
- C-A-2 Request that the City Council consider authorizing the application for and acceptance of Texas Department of Transportation (TXDOT) Urban State Grant in the amount of \$409,126 for transit services provided by Tyler Transit. (R-2022-22)**
- C-A-3 Request that the City Council consider declaring the house located at 419 North Bonner as surplus and ready to be sold through an internet auction.**

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- C-A-4 Request that the City Council consider adoption of a resolution authorizing the City Manager to accept and sign Texas Historical Commission Certified Local Government Grant Contract Number TX-21-014 in the amount of \$2,400.00 with no local match for the purpose of funding annual training of City staff. (R-2022-23)
- C-A-5 Request that the City Council consider ratifying staff action for the emergency replacement of the two (2) air conditioning chillers located at the Police Complex Downtown, 711 W. Ferguson, Tyler, Texas by A/C Works, in the amount of \$180,000.
- C-A-6 Request that the City Council consider authorizing the City Manager to proceed with payment to AAA Sanitation for emergency wastewater line repair work previously performed near Ridge Creek Drive in the amount of \$53,485.00.
- C-A-7 Request that the City Council consider authorizing the City Manager to ratify staff action in payment to A.E Shull in the amount of \$224,443.85 for the emergency repair of the 16-inch diameter water main leak at the dead end of Wolford Avenue.
- C-A-8 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 919 Tubbs Street within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-24)
- C-A-9 Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 3216 Fairlawn Drive within the Tyler city limits and owned by taxing entities including the City of Tyler. (R-2022-25)
- C-A-10 Request that the City Council consider adopting a Resolution authorizing continued participation with the ATMOS Steering Committee of Cities and payment of \$0.05 cents per capita assessment. (R-2022-26)

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

### CITY MANAGER'S REPORT

1. The City of Tyler Solid Waste Department will begin collecting residential garbage and recycling at 6:00 a.m. instead of 7:00 a.m. for the month of August due to the continuing high temperatures. The earlier start times will allow crews to work during the cooler hours and be able to finish the routes earlier before the afternoon. So, that will be started on Monday, August 1 and will run through Friday, September 2. We are asking to make sure that our customers understand to put the garbage and recycling containers out before 6:00 a.m. on their scheduled collection day. So, as always, if you go to use the Tyler Talks Trash app or the City of Tyler app, it will also send you information about that straight to your phone, so you'll know.
2. You know, the questions come up occasionally with the amount of water--mandatory water rationing that are happening around us about our own water supply. The lakes--the present lake levels are not causing any concerns about the water supply currently for the City of Tyler and its customers. Our staff is continuing to monitor the lake levels in case of a continued drought of just what impact it might be. One thing is we do remind people just is that we have since 2012 a volunteer water rationing schedule that's there for


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people to know. We've been able to kind of push that out through the media a little bit and will continue to expand on that. So, by no means mandatory but it kind of gives some good--as far as just irrigation techniques and tips to people and helps them understand how they can be responsible with our water supply and use in irrigating their yards and lawns.


3. Fun Forest Pool. Speaking of water but in a different way, Fun Forrest Pool saw about 850 guests a couple of weekends ago. It continues to have high numbers, even despite the heat. We thought the extreme would deter swimmers from being able to come out there, but the attendance hasn't seen much of a decline. In fact, if you drive by Fun Forest Park, especially on a weekend, you'll see the line out the door ready to go in there and to go have some fun. And so that has been a great addition for our community.
4. Finally a great story that kind of happened by accident is we were recently contacted by Caldwell Zoo because they saw as far as some of the stuff that we were kind of cutting down and maintaining in regards to--just as far as brush that was out there and some of our drainage ways or along some of our rights-of-way, and it turns out that many of the animals that are out there at Caldwell Zoo love to eat and play with hackberry trees and some of the other shrubs that we removed. So, the trash trees that typically would end up going to the landfill or the like are now going to the zoo where the animals are able to chew on and to play with and use. So, that has turned into an interesting partnership that we didn't see coming, but we are glad to make sure that animals out there are having a good time.


**ADJOURNMENT**

Motion by Councilmember McKellar to adjourn the meeting at 10:36 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



The seal is circular with a double-line border. The outer ring contains the text "CITY OF TYLER" at the top and "TEXAS" at the bottom. The inner circle features a central emblem with a tree and the word "SEAL" below it.