

**MINUTES OF THE REGULAR CALLED MEETING OF  
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS  
October 13, 2021**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, October 13, 2021 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:	Shirley McKellar
Councilmembers:	Stuart Hene
	James Wynne
	Broderick McGee
	Bob Westbrook
	Brad Curtis(absent)
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:	April Earley
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
Planning Manager:	Kyle Kingma
MPO Manager:	Michael Howell
Chief Financial Officer:	Keidric Trimble
Chief Information Officer:	Benny Yazdanpanahi
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Risk Manager:	Sara McCracken
Strategic Planning Coordinator:	Blake Cathey
City Clerk:	Cassandra Brager

**INVOCATION**

John Wayne McMann, Contemporary Services, Marvin United Methodist Church.

**MINUTES**

Motion by Councilmember Westbrook; seconded by Mayor Pro Tem McKellar to approve the August 25, 2021 minutes; motion carried 6 - 0 & approved as presented.

**AWARDS**

- A-1 Request that the City Council consider accepting the “Distinguished Budget Presentation Award” for its Fiscal Year 2020-2021 Budget document from the Government Finance Officers Association of the United States and Canada.**

**Blake Cathey, Strategic Planning Coordinator** – Presented an Award to the City Council for the Fiscal Year 2020-2021 Budget document from the Government Finance Officers Association of the United States and Canada.

**PRESENTATION**

- P-1 Request that the City Council consider receiving a presentation on the community efforts undertaken to engage the community in support of the 2020 Census.**

**Michael Howell, Metropolitan Planning Organization Manager**- Gave a brief presentation on the community efforts undertaken to engage the community in support of the 2020 Census.

**Nancy Arellano Rangel, Chairperson of the Complete Count 2020 Committee**. Gave a brief update on the “903 Counts” Census 2020 Campaign program.

**Bob Brewer, 1500 DeCharles** – Spoke concerning the voting rights and counting ballots by hand.

- P-2 Request that the City Council consider receiving and discussing Initial Assessment regarding whether redistricting is required for City Council member districts considering the new 2020 census data; and, if so, discuss and consider adoption of redistricting criteria to apply to development of new districting plans, and guidelines for public participation in the redistricting process. (R-2021-42) (R-2021-43)**

**Philip Arnold, Bickerstaff Heath Delgado Acosta** – Gave an Initial Assessment regarding whether redistricting is required for City Council member districts considering the new 2020 census data.

**Dr. Pamela Phoenix, 3412 Benbrook Dr.** - Read a statement into the record (see Exhibit A)

**Eleno Licea, 1201 Belmont** – Stated that he had concerns on how the districts would be drawn and asked Council to have a little flexibility on the citizens drawings of the maps since they do not have the expertise of drawing maps for other districts and without the mapping software.

October 13, 2021

**EXECUTIVE SESSION**

City Council convened into executive session at 9:58 am

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may go into executive session to consider the following:

-under section 551.071 "Consultations with Attorney" regarding the following:

Receive advice from counsel regarding the City's redistricting obligations

A governmental body may consult on legal matters that are not related to litigation or the settlement of litigation in an executive session with its attorney "on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts" with the Act.

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

City Council reconvened from executive session at 10:44 am with the following motion. Motion by Councilmember Westbrook to adopt Resolution #1 under P-2 which is the redistricting criteria; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

Motion by Councilmember Hene to adopt Resolution #2 under P-2 which is the plan submission guidelines; seconded by Councilmember Wynne; motion carried 6 - 0 & approved as presented.

**MISCELLANEOUS**

**M-1 Request that the City Council consider authorizing the City Manager to execute contract documents with Southside Bank for various banking services for a two-year period starting January 1, 2022 with three one-year optional extension periods.**

Motion by Councilmember Wynne; seconded by Mayor Pro Tem McKellar; motion carried 6 - 0 & approved as presented.

**M-2 Request that the City Council consider authorizing the City Manager to sign a "Letter of Engagement for Professional Audit Services" with Prothro Wilhelmi, PLLC to perform the Fiscal Year 2020-2021 Annual Audit for a total combined maximum fee including all out of pocket expenses not to exceed \$99,300.**

Motion by Councilmember McGee; seconded by Mayor Pro Tem McKellar; motion carried 6 - 0 & approved as presented.

**M-3 Request that the City Council consider authorizing funds for the purchase of traffic signal system central software and equipment from Paradigm Traffic in the amount of \$1,887,220.**

October 13, 2021

Motion by Councilmember Westbrook; seconded by Councilmember McGee; motion carried 6 - 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 adopting an updated Resolution approving the continued participation in the Texas State Department of Information Resources (DIR) Program and General Services Commission Local Government Purchasing Program and authorizing the City Manager to renew several annual leases for technology equipment including computers, software, and telephones from approved vendors previously obtained through this program for FY 2021-2022. (R-2021-44)**
- C-A-2 Request that the City Council consider authorizing the City Manager to purchase two (2) forklifts for \$39,940.00 each for a total of \$79,880.00.**
- C-A-3 Request that the City Council consider authorizing the City Manager to approve a reconciliation change order that will increase the contract amount by \$279,237.77 and the release of final retainage payment in the amount of \$9,926.71 to IPRSouth Central for the Pipebursting Package, BOND-CD-001-GM05 BuyBoard Rehabilitation Project.**
- C-A-4 Request the City Council consider authorizing the City Manager to purchase two (2) John Deere 410L Backhoe Loaders from Doggett Machinery for \$130,690.00 each for a total purchase price of \$261,380.00.**
- C-A-5 Request that the City Council consider approving final payment and releasing retainage in the amount of \$37,117.64 to Reynolds and Kay, LTD. for the Pabst and Bow Storm Sewer Repair project.**
- C-A-6 Request that the City Council consider authorizing the City Manager to approve a Reconciliation Change Order in the amount of \$2,185.00 and approve the release of final retainage to Fritcher Construction Services for the City of Tyler Vehicle Services Parking Lot Project.**
- C-A-7 Request that the City Council consider authorizing the City Manager to execute a Personal Services Contract with Robin Smart for construction inspection services for City of Tyler streets and capital improvement projects in the amount of \$50,000.**
- C-A-8 Request that the City Council consider authorizing the City Manager to execute an engineering contract with C.T. Brannon Corporation for the Tyler Bike Stripes project in the amount of \$116,506.33 and ratifying engineering services already completed and paid to C.T. Brannon Corporation in the amount of \$101,506.33 for the Tyler Bike Stripes project.**

October 13, 2021

- C-A-9** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 514 Liberty within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-45)**
- C-A-10** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 718 West 25th Street within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-46)**
- C-A-11** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1410 Connally within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-47)**
- C-A-12** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 810 Boyd within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-48)**
- C-A-13** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 814 Boyd within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-49)**
- C-A-14** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 726 Boyd within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-50)**
- C-A-15** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 1316 Claude within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-51)**
- C-A-16** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 2913 Cushing within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-52)**
- C-A-17** Request that the City Council consider adopting a Resolution agreeing to the sale of certain tracts of land located at 306 Barron within the Tyler city limits and owned by taxing entities including the City of Tyler. **(R-2021-53)**

Motion by Councilmember Westbrook to approve the entire consent agenda as presented; seconded by Councilmember McGee; motion carried 6 - 0 & approved as presented.

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

1. Sales Tax figures available from the Texas Comptrollers' website indicate our Sales Tax revenues that were deposited Friday, October 8, 2021, are \$4,290,319.71. This compares to revenues of \$3,670,364.45 for the same period last year. The actual increase for the month compared to same month last year was 16.89%.
2. Legacy Trail: City staff plans to meet in November with TxDOT to finalize the Advanced Funding Agreement. Once that agreement is finalized and executed the City will move forward with an engineering contract to complete design for the trail.

October 13, 2021

The anticipated bid date is no later than August 2023 so construction on the trail extension should start later part of 2023.

3. Parks and Recreation: The repairs to the Glass Recreation Center's gym floor started on September 14. Repairs will include new wood flooring, followed by sanding, sealing and repainting existing court lines for basketball, volleyball and pickleball. We are currently in the phase of laying the new flooring. Once that is complete, the next phase will be sanding.
4. Annual Crime Report: The Texas Department of Public Safety released its annual report on 09-29-2021. The state of Texas reported an increase in Part 1 Violent Crime and a decrease in Part 1 Property Crimes. The report indicates that the City of Tyler had a 4.5% increase in Part 1 (Index) crimes from 2019 to 2020. Similar to the State of Texas (overall), the City of Tyler experienced an increase in Violent Crime. The primary driver of this increase was due to the number of reported Aggravated Assaults (+74). Part 1 (Index) crimes were up 3.81% and Part 2 Crimes were down - 7.11%. The City of Tyler had an overall reduction in crime by 2.33% (-196 documented crimes).

**Deborah Pullum, City Attorney** – Gave dates for future public participation in the Redistricting process:

- Set public hearings on draft districting plan options on the agendas for the October 27, 2021 and November 10, 2021 City Council meeting.
- Set public comment sessions for November 3<sup>rd</sup> at the Glass Recreation Center and November 4<sup>th</sup> at the Tyler Police South Sub-station, and
- Set date of adoption of a final districting plan on the agenda for the December 8, 2021 City Council meeting.

### **ADJOURNMENT**

Motion by Mayor Pro Tem McKellar to adjourn the meeting at 11:15 am; seconded by Councilmember McGee; motion carried 6- 0 & meeting adjourned.



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

**ATTEST:**

  
**CASSANDRA BRAGER, CITY CLERK**



**"Exhibit A"**

**Statement of NAACP Tyler, Texas Branch #6232**

**By Dr. Pamela Phoenix**

**City Council Meeting – 10/13/2021**

I thank you so much for the opportunity to speak for my three minutes. As we all know I think all of us are new with this redistricting aspect and I definitely so, so forgive me if I am elementary in any of my statements. One of the things that I am, also, I'm representing NAACP Tyler Texas Branch #6232. Some of the things we wanted to ensure when it comes to the criteria that's developed is Identifiable geographic boundaries should be followed.

We want to ensure that communities of interest be maintained and that we would avoid splitting neighborhoods. Looking at the composition of whole voting precincts when possible and practical that the configurations are relatively equal in total population, compacted and composed of contiguous territory as seen on the maps that were presented. We definitely need to preserve incumbent-constituency relations by recognition of the residence of incumbents. Not crack or pack minority voters as stated in the presentation. Composed of whole census block groups or blocks. As well, within acceptable Total Maximum Deviation.

We need you to narrowly tailor the plan to comply with the Voting Rights Act. Mr. Mayor, I'm glad that you utilized the word transparency, because that's one of the things we really want to ensure. I was a little disappointed when I heard that it wasn't approved for a community advisory group just to be in assistance with this entire process because again, we're all new and going through this. But transparency in the aspect of availability of redistricting plans and availability of redistricting software, availability of redistricting data, clearly documented redistricting criteria and providing the community with the tools that's needed to create their own plans.

Also, identify if there are any coalition districts within our six districts. So, we don't want the minorities fighting over a district as seen in various races that are ran. Mine specifically two years ago it was minority versus minority. There is a need to develop two additional districts in order for Hispanic representation in government. However, we don't want the African American district divided in order to do so. We want to preserve our African American district, specifically District 3. Based on the presentation we understand that race cannot be a primary factor in redistricting, but it constitutes similar lifestyles, neighborhoods, and the commonality of individuals.

FYI, I wanted to know for my own interest, is this company that's drawing the maps representing only the city's aspect of the map drawing or does it also include the county. Because I know county districts are different than city council districts are different than JP precincts, are different than school board districts, so I need that question answered. Proposed redistricting timelines, can they be represented, can we get help with the drawing at the workshop.