

**MINUTES OF THE REGULAR CALLED MEETING OF
THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
November 10, 2021**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 10, 2021 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:	Shirley McKellar
Councilmembers:	Stuart Hene James Wynne Broderick McGee Bob Westbrook Brad Curtis
City Manager:	Edward Broussard
City Attorney:	Deborah G. Pullum
Deputy City Attorney:	Steve Kean
Senior Asst. City Attorney:	Alesha Buckner
Director of Organizational Development:	Regina Y. Moss
HR Manager:	Rose Ray
Planning Manager:	Kyle Kingma
City Fire Chief:	David Coble
Police Chief:	Jimmy Toler
Traffic Engineer:	Cameron Williams
Director of Utilities:	Kate Dietz
Director of Solid Waste, Transit:	Leroy Sparrow
Interim City Engineer: Manager, Water Utilities System, Operation & Maintenance:	Jacob Walker, HDR
City Clerk:	Tim Moore Cassandra Brager

INVOCATION

The Invocation was given by Mayor Warren.

MINUTES

Motion by Councilmember Westbrook to approve the September 22, 2021 minutes; seconded by Mayor Pro Tem McKellar; motion carried 7 - 0 & approved as presented.

ZONING

Z-1 PD21-018 BROADWAY SOUTH DEV M NO 2 LTD (562 CENTENNIAL PARKWAY) Request that the City Council consider approving a “PCD”, Planned Commercial Development District final site plan. (O-2021- 98)

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

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Z-2 Z21-047 TEXAS SJH HOLDINGS LTD (8101 SOUTH BROADWAY AVENUE) Request that the City Council consider approving a zone change from "PMXD-1", Planned Mixed-Use District to "PCD", Planned Commercial Development District with final site plan. (O-2021-99).

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

Z-3 C21-013 MIRACLE CENTER CHURCH TYLER (AN UNIMPROVED ALLEY RIGHT-OF-WAY) Request that the City Council consider approving the closure of an unimproved alley right-of-way, adjacent to Summerkamp Street. (O-2021-100)

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

Z-4 Z21-043 LEONEL & JESSICA ZUNIGA (825 TUBBS STREET AND 826 BUCKLEY AVENUE) Request that the City Council consider approving a zone change from "PXR", Planned Mixed Residential District to "R-1B", Single-Family Residential District. (O-2021-101)

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

Z-5 Z21-045 MONICA M CANNON (912 AND 1012 EAST FRONT STREET AND 1003 EAST EARLE STREET) Request that the City Council consider approving a zone change from "R-2", Two-Family Residential District to "C-1", Light Commercial District. (O-2021-102)

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

Z-6 S21-002 CAMELLA M JONES (2711 SHADY BLUFF) Request that the City Council consider approving a Special Use Permit to allow for use as an adult day care. Item pulled from agenda

Z-7 PD21-020 DIYA HOTELS LLC (3303 TROUP HIGHWAY) Request that the City Council consider approving a "PMXD-1", Planned Mixed-Use District Final Site Narrative. (O-2021-103)

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

RESOLUTION

R-1 Request that the City Council consider adopting a Resolution nominating Trane U. S. for award of a State of Texas Enterprise Zone Project designation. (R-2021-57)

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

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HEARING

H-1 Request that the City Council consider conducting a public hearing and receive public input on draft illustrative plan options for redistricting of single member Tyler City Council districts based on 2020 Census data.

Phillip Arnold, Bickerstaff Heath Delgado Acosta, LLP - Gave a brief summary of the City of Tyler Council Districts 2021 Initial Assessment.

Mayor Warren opened the public hearing at: 09:31:49 a.m.

Speakers:

Dr. Pamela Phoenix, 3412 Benbrook Dr. - See exhibit A

Natalie Wright Curly, 17879 CR 15, - Tyler League of Women Voters of Tyler Smith County – Stated that 2020 was the first time that the census counted Tyler’s population as having no majority race or ethnicity as the total population. Secondly, Tyler’s growth among the Hispanic population accounts for 39% of the city’s growth as opposed to the non-Hispanic white populations only 17% of that growth. So, a majority of our city’s growth is coming from our Hispanic populations. Tyler is now about 9.3 % larger than it was in 2010. Population close to a 106,000 people and of that, if you look at the total population comparisons, the non-Hispanic white population actually fallen 2.9%, the black population has fallen 1.7%, but the Hispanic population has grown 1.5%. If you look at voting age population which is important for redrawing districts and those numbers are even more marked with the non- Hispanic white population falling 3.8% for voting age, the black population falling 1.5%, and the Hispanic population growing 2.3% and the Asian population growing over 1%. She just wanted to keep those data points in mind as she moved forward with her statement. The League of Women Voters of Tyler’s County organized a community redistricting committee to research the needs for modifications to boundaries during our redistricting process and while they believe there remains a need to strengthen the voice of the Hispanic community the experts that have looked at the Tyler districts feel that due to the disbursement the Latinx across the city, drawing a district which would provide that strength would dilute the already performing minority districts that would violate the voting rights acts. Therefore, the League of Women Voters Redistricting Committee will not be submitting alternative maps at this time. They do feel that there’s a need and a desire expressed by the community to strengthen minority white voices and they hope that the Mayor and City Council keep that at the forefront.

Eleno Licea, 1201 Belmont – See exhibit B

Mayor Warren closed the public hearing at: 09:46:54 a.m.

EXECUTIVE SESSION – City Council convened into executive session at 9:47 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

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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 10:19 am with no action taken.

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to execute the renewal of the Medical and Pharmacy Stop-Loss contract to Berkley for the calendar year starting January 1, 2022 with an estimated cost of \$704,805.00; with actual final cost based upon enrollment numbers.

Lance Penley - Gave a brief update on the renewal of the Medical and Pharmacy Stop-Loss contract to Berkley for the calendar year starting January 1, 2022 with an estimated cost of \$704,805.00; with actual final cost based upon enrollment numbers.

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

BOARD APPOINTMENTS

B-1 Request that the City Council consider making appointments and re-appointments to various City Boards.

Board of Adjustments

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

Historical Preservation Board

Motion by Councilmember McGee, seconded by Councilmember Wynne to appoint Amber McDonald; motion carried 7 - 0 & approved as presented.

Library Board

Motion by Councilmember Curtis, seconded by Councilmember McGee to re-appoint Cynthia Bennett; motion carried 7 - 0 & approved as presented.

Traffic Safety Board

Motion by Mayor Pro Tem McKellar, seconded by Councilmember McGee to re-appoint John O'Sullivan and appoint Robert Spivey; motion carried 7 - 0 & approved as presented.

CONSENT

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(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 a reconciliation change order that will increase the contract amount by 8.6 percent (\$8,433.14), and of the release of the final payment and retainage in the amount of \$106,164.93 to Vortex Companies, LLC for the 2021 Lift Station Rehabilitation TASB BuyBoard Contract #635-21 project.
- C-A-2** Request that the City Council consider approving the 2021 Certified Property Tax Roll.
- C-A-3** Request that the City Council consider authorizing the City Manager to approve purchasing goods through The Arizona Statewide Purchasing System, whereby the City of Tyler can take full advantage of purchasing any and all items available through this cooperative. Also recommend that the City Council consider authorizing the City Manager to purchase (4) Low Floor Fixed Route Buses from Creative Bus Sales in the amount of \$172,500 each for a total purchase cost of \$690,000.
- C-A-4** Request that the City Council consider approving final payment and releasing retainage in the amount of \$13,851.82 to Missouri Petroleum, LLC, for construction of the 2021 ONYX Seal Project.
- C-A-5** Request that the City Council consider approving final payment and releasing retainage in the amount of \$76,567.55 to Reynolds & Kay, LTD, for construction of the Abor Oaks Drainage and Street Improvements.
- C-A-6** Request that the City Council consider approving final payment and release retainage in the amount of \$33,317.50 to Solid Bridge Construction, LLC. for the Briarwood Estates Drainage Improvements Project.
- C-A-7** Request that the City Council consider authorizing the City Manager to approve and execute agreements with Azteca Systems, Inc. and NewEdge Services, LLC for the implementation of Cityworks AMS for Streets and Traffic Engineering in the amount of \$74,000.00.
- C-A-8** Request that the City Council consider authorizing the City Manager to purchase two (2) Elgin street sweepers from the selected vendor through Sourcewell as part of the Fleet Replacement Program for FY2022. The cost per unit is \$314,498. Total purchase cost is \$628,996.00.
- C-A-9** Request that the City Council consider adopting a Resolution authorizing the Police Department to participate with other law enforcement agencies in the submission of a grant request from The Texas Automobile Burglary & Theft Prevention Authority for twenty-ninth-year funding in the East Texas Auto Theft Task Force (ETATTF), and consider authorizing the City Manager to enter into a working agreement regarding the same. The Tyler Police Department has participated in the ETATTF since its inception in 1993. (R-2021-58)

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- C-A-10** Request that the City Council consider authorizing the City Manager to award Rolloffs USA and Impact Plastics as the primary vendors as per bid 21-080 for new commercial container purchases.
- C-A-11** Request that the City Council consider authorizing the City Manager to execute an Agreement for Access across City-owned property located near 16014 McElroy Road to Shannon Glass.

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

CITY MANAGER'S REPORT

1. Assistant City Manager, Heather Nick is now the American Planning Association Texas Chapter president.
2. Thanked City Council for participating in the last two open houses they attended for the redistricting and also, a big thank you to all departments that participated.
3. Beginning on Monday, November 15 through Wednesday, November 17, 2021 a team of assessors from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) will begin a virtual assessment of the Tyler Police Department. The assessment team will examine the Department's policy and procedures, management, operations and support services in the Department's bid for an eighth re-accreditation.
4. The contractors at the Rose Complex on Friday will actually begin pouring the Conference Center foundation. Earthwork was about 70% complete as of last week.
5. Thanked Chief Coble and the Fire Department for providing the Veterans Day luncheon.


ADJOURNMENT

Motion by Councilmember Westbrook to adjourn the meeting at 10:39 am; seconded by Councilmember McGee; motion carried 7 - 0 & meeting adjourned.

Attachments:

[Exhibit A-Pamela Phoenix](#)

[Exhibit B-Eleno Licea](#)



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK



"Exhibit A"
Statement from Dr. Pamela Phoenix, Let's Talk Tyler
2021 Tyler Redistricting
City Council Meeting – 11/10/2021

First, I'd like to thank the City of Tyler for their efforts to include the community with information needed to contribute to the redistricting process if sought. The information contained on their website was beneficial and that transparency is truly appreciated. Thank you for the off-site public hearings as well. It was disappointing to hear there were only four citizens at one meeting. We cannot complain if we don't participate in the process.

Originally, I represented the NAACP who partnered with Crowd Academy Fellows Roxy Hall Williamson and Bindu Jose, in addition to Stephanie Swanson with the League of Women Voters of Texas to assist with working through the 2021 redistricting process in order to ensure preservation of existing minority districts, as well as ensure all other perspective new boundaries met the criteria with fairness for all of our city's citizens and the Voting Rights Act.

Recently, Let's Talk Tyler had the opportunity to do a show with the team of individuals who educated us on various components of the redistricting process. As a result of not having the ability to solidify a statement for the NAACP, this will be my own person opinion and statement for Let's Talk Tyler.

Through research we have identified that the previous district boundaries, nor the proposed district boundaries are conducive to our community's population.

We do understand there is a component that the community lacked with regards to voting age citizens being recognized, thus resulting in boundaries being drawn more favorable for political fidelity than community cohesiveness.

Fair redistricting would take into consideration every individual within our community, regardless of race, ability, or socioeconomic status. More so, identifying the need for representation in government, which is particularly crucial for historically disenfranchised communities, such as our county's communities of color, which have been the targets of recent gerrymanders. We need to ensure citizens that our local government is striving to improve public trust and confidence in our democracy.

We want to believe that our local government has its citizen's best interest in all its endeavors and support wholeheartedly most of its decisions to govern the community. However, I do believe the district boundaries had the possibility to be redrawn to offer more cohesiveness to neighborhoods, voting precincts, and its district. There is nothing we can do to offer another version of boundaries that would be acceptable based on the mandatory criteria to be met, thus we must accept the proposed lines. We've been educated now, so we will look for improvement in the next 10 years. Thank you Mayor and Council for your service to our community.

"Exhibit B"

From: Eleno Licea

To: Mayor Don Warren and the Tyler City Council

Regarding: Redistricting of Single member districts

November 10, 2021

Dear Mayor and Council,

I would like to submit the following written statement so that it may be in the public record as you are requesting comments in writing.

For the past few months, I have attended every public meeting on the redistricting process for our city. I have given many comments and offered many options on how to make the city council districts more competitive for Hispanic candidates. Please note that it is not my intent to stack the cards in favor of a Hispanic candidate, but simply allow the district to be more competitive for such a candidate.

My efforts are driven by a deep belief that the City Council should reflect the makeup of our community and that all people should have a voice at the table including Hispanics. Additionally, I believe that individuals and organization considering Tyler look at how the City treats all of its citizens.

I've listened to the comments offered by city staff, attorneys, council members and community members. The argument that the Hispanic population cannot be lumped into a single council district because it's spread out all over the City is dubious. Your own demographics indicate that most of the Hispanic population is concentrated on the North and East side of Tyler. In fact, by approving the proposed maps you will be dividing the Hispanic vote.

The proposed maps will have to stand up to the legal challenges in the courts. By drawing a regressive map, you are putting the City in a difficult position and inviting legal challenges.

Please also note that the proposed plan establishes four council districts that are all over 45% white and not one with a Hispanic population of over 45%.

The City has failed to make a good faith effort to include Hispanics in this process. I hope that you will see the data for what it is and vote no on the proposed plan. Go back to the drawing board, and this time try including the biggest minority of the City's population, which is also the fastest growing segment of the City's population, in the process.

Respectfully,



Eleno Licea, 1201 Belmont Drive Tyler, TX 75701