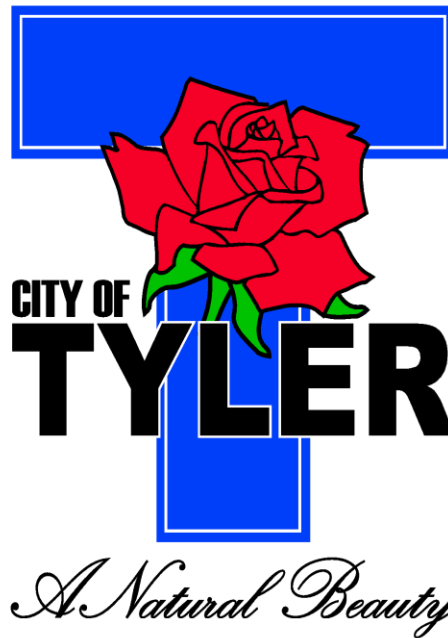


CITY COUNCIL SPECIAL CALLED AGENDA

**Wednesday, May 15, 2024
9:00 am**



CITY COUNCIL

**Donald P. Warren, Mayor
Stuart Hene, District 1
Broderick McGee, District 2
Dr. Shirley McKellar, District 3
James Wynne, District 4
Lloyd Nichols, District 5
Brad Curtis, District 6**



CITY COUNCIL SPECIAL CALLED MEETING AGENDA

CITY COUNCIL CHAMBERS - CITY HALL

**City Hall, City Council Chambers
212 N. Bonner Avenue, 2nd Floor
Tyler, Texas**

**Follow us on Facebook Live at: <https://www.facebook.com/CityofTylerTexas/>
Wednesday, May 15, 2024
9:00 am**

Internet website <http://www.cityoftyler.org> and Cable Access Channel 3

Please call (903) 531-1250 if you need assistance with interpretation or translation for this City meeting.

Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1250.

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to ensure that City Council Meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a City Council meeting, please contact the City Manager's Office at 903.531.1250, in advance so accommodations can be made.

COURTESY RULES

Thank you for your presence. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you wish to address the Council, please fill out the information on the IPAD located outside the Council Chambers. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Comments to the City Council should only be made from the podium. This will ensure that the comments are picked up by the microphones and are made a part of the official record. Delay or interruption of the proceedings will not be tolerated.

INVOCATION

PLEDGE OF ALLEGIANCE

ELECTION

- E-1** Request that the City Council consider canvassing the returns of the Tyler City Council Election held May 4, 2024, for District No. 2, and affirming the cancellation of the Election and designation of the unopposed winners for the Mayor at Large, and Tyler City Council Election for District 4 and District 6 that would have been held on May 4, 2024, and adopting an Ordinance declaring the results and calling a runoff.
- E-2** Request that the City Council consider adoption of a Resolution ordering a runoff Election for June 15, 2024, to fill the office of Tyler City Councilmember for Single Member District No. 2.

ADJOURNMENT



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: E-1

Date: May 15, 2024

Subject: Request that the City Council consider canvassing the returns of the Tyler City Council Election held May 4, 2024, for District No. 2, and affirming the cancellation of the Election and designation of the unopposed winners for the Mayor at Large, and Tyler City Council Election for District 4 and District 6 that would have been held on May 4, 2024, and adopting an Ordinance declaring the results and calling a runoff.

Page: Page 1 of

Item Reference: Texas Election Code Section 67.003 (Time for Local Canvass); Ordinance No. 0-2024-41, adopted April 10, 2024

The City Council is required by law (Sec. 67.003 of the Texas Election Code) to:

- 1) Canvass the returns and declare the results of the City Council Election to elect a Tyler City Councilmember for Single Member District No. 2, held on May 4, 2024;
- 2) Affirm the cancellation of the election and designate the unopposed winners for the Mayor at Large and Single Member District No. 4 and Single Member District No. 6, and
- 3) Adopt an ordinance that declares the results of said election.

RECOMMENDATION:

Request that the City Council consider canvassing the returns of the Tyler City Council Election held May 4, 2024, for District No. 2, and affirming the cancellation of the Election and designation of the unopposed winners for the Mayor at Large, and Tyler City Council Election for District 4 and District 6 that would have been held on May 4, 2024, and adopting an Ordinance declaring the results and calling a runoff.

ATTACHMENTS:

[05 15 2024 Ordinance canvassing election results and calling a runoff](#)

Drafted/Recommended By:
Department Leader

Cassandra Brager, City Clerk

Edited/Submitted By:

City Manager

ORDINANCE NO. O-2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, CANVASSING THE RESULTS OF AN ELECTION HELD ON THE 4th DAY OF MAY, 2024, FOR CITY COUNCILMEMBER DISTRICT NO. 2; AFFIRMING THE CANCELLATION OF THE ELECTION FOR THE MAYOR AT LARGE AND TYLER CITY COUNCILMEMBER DISTRICTS NO. 4 AND 6; DESIGNATING THE UNOPPOSED CANDIDATES AS THE WINNERS FOR MAYOR AT LARGE AND TYLER CITY COUNCILMEMBERS FOR DISTRICTS NO. 4 AND NO. 6, DECLARING THE RESULTS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on the 15th day of May, 2024, the City Council of the City of Tyler, Texas, at a meeting duly called for the purpose, canvassed the returns of the City Council Election held on the 4th day of May, 2024, in the City of Tyler, for the election of the City Councilmember for District No. 2; and it appearing as a result of such canvass that the following named persons received the following number of votes for City Councilmember, District No. 2:

District No. 2, For City Councilmember

Petra Hawkins	256 Votes (36.52%)
Dexter Floyd	125 Votes (17.83%)
Stephen Dinger	320 Votes (45.65%)

WHEREAS, because none of the three candidates on the ballot for Single Member District No. 2, received a majority of the votes cast, the City Council of the City of Tyler must adopt a Resolution to order that a runoff election be held to fill the expiring term of the City Councilmember for Single Member District No. 2

WHEREAS the City Clerk has certified in writing that the candidates for Mayor at Large and District No. 4 and District No. 6 were unopposed and that no write-in candidates had filed to be placed on the list of write-in candidates for those places; and

WHEREAS, Texas Election Code Sections 2.051 through 2.054 authorize the City Council to declare the unopposed candidates elected to office and cancel the unneeded elections; and

WHEREAS, on April 10, 2024, the City Council adopted Ordinance No. 0-2024-41, cancelling the Regular Election scheduled for the Mayor at Large and City Council Districts 4 and 6 for May 4, 2024, and declaring the unopposed candidates elected to office;

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

PART 1: That **Don Warren** be and is hereby declared the duly elected Mayor at Large,

to serve for a two-year term of office.

PART 2: That James Wynne be and is hereby declared the duly elected City Councilmember for District No. 4, to serve for a two-year term of office.

PART 3: That Brad Curtis be and is hereby declared the duly elected City Councilmember for District No. 6, to serve for a two-year term of office.

PART 4: That the City Council Election for Mayor at Large, District No. 4, and District No. 6, scheduled for May 4, 2024, was cancelled by Ordinance No. 0-2024-41 and the unopposed candidates declared the winners, and such cancellation and declarations are hereby affirmed.

PART 5: That the above named Mayor at Large and Tyler City Councilmembers for Districts No. 4 and District No. 6 shall be sworn into office and shall each serve for a two-year term of office.

PART 6: That this ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED on this the 15th day of May, A.D., 2024.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

DEBORAH G. PULLUM,
CITY ATTORNEY



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: E-2

Date: May 15, 2024

Subject: Request that the City Council consider adoption of a Resolution ordering a runoff Election for June 15, 2024, to fill the office of Tyler City Councilmember for Single Member District No. 2.

Page: Page 1 of

Item Reference: City Charter and Texas Election Code

The Tyler City Council Election to elect a City Councilmember for Single Member District No. 2 was held on May 4th, 2024. On May 15th, 2024, the Tyler City Council canvassed the returns of the May 4th, 2024 election. As a result of such canvass, none of the three candidates on the ballot for Single Member District No. 2 received a majority of the votes cast.

In order to comply with the City Charter and Texas Election Code, it is essential that the City Council adopt a Resolution calling a runoff election for the third Saturday in June, being June 15, 2024, to elect a City Councilmember for Single Member District No. 2. The following Councilmember term will expire in May, 2024 or until his successor shall have been elected and qualified:

District No. 2, West District – Broderick McGee

A copy of the Resolution calling the runoff election is attached for your review.

RECOMMENDATION:

Request that the City Council consider adoption of a Resolution ordering a runoff Election for June 15, 2024, to fill the office of Tyler City Councilmember for Single Member District No. 2.

ATTACHMENTS:

[05 15 2024 Resolution ordering a runoff](#)
[Notice of Election June 15](#)

Drafted/Recommended By:
Department Leader

Cassandra Brager, City Clerk

Edited/Submitted By:
City Manager

RESOLUTION NO. R-2024-

A RESOLUTION ORDERING A RUNOFF ELECTION TO BE HELD IN THE CITY OF TYLER, TEXAS ON THE 15TH DAY OF JUNE, 2024 FOR THE PURPOSE OF ELECTING A CITY COUNCILMEMBER FOR SINGLE MEMBER DISTRICT NUMBER 2; PROVIDING FOR EARLY VOTING; MAKING PROVISIONS FOR THE CONDUCT OF A RUNOFF ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tyler City Council Election to elect a Tyler City Councilmember for Single Member District No. 2 was held on May 4, 2024; and

WHEREAS, on May 15th, 2024, the Tyler City Council canvassed the returns of the May 4th, 2024 election, and as a result of such canvass it appeared that none of the three candidates on the ballot for Single Member District No. 2, received a majority of the votes cast; and

WHEREAS, it is now necessary to hold a runoff election to fill an expiring term of a City Councilmember for Single Member District No. 2;

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

PART 1: That a runoff election be, and the same is hereby ordered to be, held within the jurisdiction of the City of Tyler, Texas on the 15th day of June, 2024, pursuant to the laws of the State of Texas and the Charter of the City of Tyler, Texas. Such runoff election shall be held for the purpose of electing a Councilmember to fill the District Number 2 seat, for a full two year term on the City Council.

PART 2: It is agreed that the City of Tyler will hold a runoff election where common polling places are possible and that in accordance with Chapter 271 of the Texas Election Laws, the runoff election herein ordered shall be held and a single ballot shall be utilized for the candidates to be voted on at such election. The runoff election, including early voting, shall be conducted by the Smith County Elections Administrator, as set out in a contract with said official, and in accordance with Section 31.091 through 31.100, Contract for Election Services.

PART 3: That said runoff election shall be held and conducted in the manner and within the hours prescribed for runoff elections by the laws of the State of Texas insofar as they may be applicable, and all persons qualified to vote in said City under the laws of this State regulating runoff elections shall be allowed to vote.

PART 4: That all election instructions and ballots shall be printed in both English and Spanish as required by the Texas Election Code Sections 272.002 through 272.010.

PART 5: Polling places for the June 15, 2024, Election Date shall be open between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.

PART 6: The candidate receiving a majority of the votes cast for his/her respective office shall be declared elected.

The Councilmember for District No. 2 shall be filled by a person residing in that district respectively who receives the majority of the votes cast by voters in that district. Only voters living in that district shall vote for that District’s Councilmember.

PART 7: The candidate elected to the City office stated hereinabove in Part 1 shall hold office as may be provided by the Charter of the City of Tyler, Texas, for a period of two (2) years following such candidate’s election or until the candidate’s successor has been duly elected and qualified.

PART 8: The ballot to be used at said runoff election shall contain the name of no person unless she or he was a candidate for the office designated at the regular election. The two (2) persons receiving, at the regular election, the first and second highest number of votes cast for candidates for such office shall be entitled to have their names printed on said ballot in the order in which the names appeared on the original election ballot at said regular election for such office. All candidates shall make such other filings as may be required by law.

PART 9: The voting places shall be as follows:

Early Voting Locations Hours

Monday, June 3, 2024 - Friday, June 7, 2024 8:00 am – 5:00 pm
 Monday, June 10, 2024 - Tuesday, June 11, 2024 7:00 am – 7:00 pm

Early Voting Locations:

The HUB - Smith County Elections Office
 304 East Ferguson Street
 Tyler, Texas 75702

The Heritage Building
 1900 W Bellwood Rd
 Tyler, Texas 75701

Lanes Chapel Methodist Church: Family Center
 8720 Old Jacksonville Hwy
 Tyler, Texas 75703

Election Day Vote Centers

June 15, 2024 – 7:00 a.m. – 7:00 p.m.

On Election Day, Smith County voters may vote at ANY location listed below:

Location	Address	City & Zip Code
Heritage Building	1900 Bellwood Rd	Tyler, 75701
Three Lakes Middle School	2445 Three Lakes Pkwy	Tyler, 75703
The HUB (Main Location)	304 E Ferguson St.	Tyler, 75702
St. Louis Baptist Church	4000 Frankston Hwy	Tyler, 75701

Each Presiding Judge shall appoint at least two (2) clerks to serve in his/her precinct and shall appoint as many additional clerks to so serve, not to exceed seven (7), as they deem necessary for the proper conduct of the election, one of whom shall be the Alternate Presiding Judge in that precinct, which said Presiding Judges and clerks shall be the managers of said election.

If any Presiding Judge is unable to serve at the election, the Alternate Presiding Judge of that precinct shall serve as the Presiding Judge for the election.

PART 10: Early voting by personal appearance shall be at locations as designated in part 9. The Elections Administrator is appointed as the early voting clerk for the runoff election. The time of early voting shall be as prescribed by law, being June 3rd, 2024, through June 7th, 2024, from 8:00 a.m. to 5:00 p.m., and June 10th and 11th, 2024, from 7:00 a.m. to 7:00 p.m. Applications for early voting ballots by mail should be addressed to Michelle Allcon, Elections Administrator, 302 E. Ferguson St. Tyler, Texas 75702, in accordance with the provisions of the Texas Election Laws.

Applications for ballot by mail shall be mailed to: Michelle Allcon, Elections Administrator, 302 E. Ferguson, Tyler, Texas 75702. Application for ballot by mail must be received not later than the close of business (5:00 pm) on Tuesday, June 4, 2024. Any questions can be directed to sselections@smith-county.com or 903-590-4777. Additional information can be found at <https://www.smith-county.com/government/departments/elections/current-election-information>. *(Las solicitudes de boleta electorales por correo deben enviarse por correo a: Michelle Allcon, Administradora de Elecciones, 302 E. Ferguson, Tyler, Texas 75702. La solicitud de boleta electoral por correo debe recibirse antes del final de la jornada laboral (5:00 pm) del Martes, 4 de Junio de 2024. Cualquier pregunta puede dirigirse al sselections@smith-county.com o al 903-590-4777. Puede encontrar información adicional en <https://www.smith-county.com/government/departments/elections/current-election-information>.)*

For purposes of processing ballots cast in early voting, the following persons are appointed to the early Voting Ballot Board for this runoff election:

<u>Paula Patterson</u>	Presiding Judge
<u>Greg Grubb</u>	Alternate Presiding Judge

PART 11: The Central Counting Station for the tabulation and counting of ballots for this runoff election shall be located at the Smith County Courthouse, Tyler, Texas and the persons hereby appointed to serve as Manager, Tabulation Supervisor and the Presiding Judge at the Central Counting Station are as follows:

<u>Michelle Allcon</u>	<u>Manager</u>
<u>Ofelia Tovar</u>	<u>Tabulation Supervisor</u>
<u>Maurine Smith</u>	<u>Presiding Judge</u>
<u>Arvilla Banks</u>	<u>Alternate Judge</u>

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Texas Election Laws.

PART 12: A copy of this Resolution shall be sufficient notice of said election and the City Councilmembers of the City of Tyler are hereby ordered and directed to give notice of the time and place of said election by causing a true copy of this Resolution to be published in some newspaper of general circulation in this City.

PART 13: That this Resolution shall take effect immediately from and after its passage, as indicated below.

PASSED AND APPROVED this 15th day of May, A. D. 2024.

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

ATTEST:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

**DEBORAH G. PULLUM,
CITY ATTORNEY**

City Runoff Election—June 15, 2024 (*Elección de segunda vuelta de la ciudad – 15 de junio del 2024*)

Notice of Election (*Aviso de elección*)

Notice of Early Voting Polling Places (*Aviso de Lugares de Votación Anticipada*)

Notice of Election Day Vote Centers (*Aviso de los Centros de Votación del día de las Elecciones*)

To the registered voters of the City of Tyler, District 2 for the purpose of electing a City Council member.

(A los votantes registrados de la Ciudad de Tyler, Distrito 2 con el fin de elegir un miembro del Concejo Municipal.)

All eligible registered voters in the above political subdivision may vote at any of the below listed Early Voting Locations. (*Todos los votantes registrados elegibles en las subdivisiones políticas anteriores pueden votar en cualquiera de los Lugares de Votación Anticipada que se enumeran a continuación.*)

Early Voting – Dates and Times (*Votación Anticipada – Fechas y Horarios*):

Monday, June 3, 2024	through	Friday, June 7, 2024	8:00 AM - 5:00 PM
<i>Lunes, 3 de junio del 2024</i>	<i>hasta</i>	<i>Viernes, 7 de junio del 2024</i>	<i>8:00 AM - 5:00 PM</i>
Monday, June 10, 2024	through	Tuesday, June 11, 2024	7:00 AM - 7:00 PM
<i>Lunes, 10 de junio del 2024</i>	<i>hasta</i>	<i>Martes, 11 de junio del 2024</i>	<i>7:00 AM - 7:00 PM</i>

Location (Ubicación)

Heritage Building

Main Location: The HUB

Lanes Chapel Methodist Church: Family Center

Address (Dirección)

1900 Bellwood Rd., Tyler, TX 75701

304 E. Ferguson St., Tyler, TX 75702

8720 Old Jacksonville Hwy, Tyler, TX 75703

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on June 15, 2024.

All eligible registered voters in the City of Tyler District 2 may vote at any one of the below listed Election Day Vote Centers. (*Por la presente se notifica que los lugares de votación que se enumeran a continuación estarán abiertos desde 7:00 a.m. a 7:00 p.m. el 15 de junio del 2024. Todos los votantes registrados elegibles en el Distrito 2 de la ciudad de Tyler pueden votar en cualquiera de los Centros de Votación el Día de las Elecciones que se enumeran a continuación.*)

Location (Ubicación)

Heritage Building

MAIN LOCATION: The HUB

St. Louis Baptist Church

Three Lakes Middle School

Address (Dirección)

1900 Bellwood Rd., Tyler, TX 75701

304 E. Ferguson St., Tyler, TX 75702

4000 Frankston Hwy., Tyler, TX 75701

2445 Three Lakes Pkwy., Tyler, TX 75703

Applications for ballot by mail shall be mailed to: Michelle Allcon, Elections Administrator, 302 E. Ferguson, Tyler, Texas 75702. Application for ballot by mail must be received not later than the close of business (5:00 pm) on Tuesday, June 4, 2024. Any questions can be directed to sselections@smith-county.com or 903-590-4777. Additional information can be found at <https://www.smith-county.com/government/departments/elections/current-election-information>. (*Las solicitudes de boleta por correo se enviarán por correo a: Michelle Allcon, Administradora de Elecciones, 302 E. Ferguson, Tyler, Texas 75702. La solicitud de boleta por correo debe a más tardar al cierre de operaciones (5:00 pm) del martes, 4 de junio de 2024. Cualquier pregunta puede dirigirse al sselections@smith-county.com o al 903-590-4777. Se puede encontrar información adicional en <https://www.smith-county.com/government/departments/elections/current-election-information>.)*)