

**MINUTES OF THE
REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS
November 17, 2010**

A regular called meeting of the City Council of the City of Tyler, Texas, was held Wednesday, November 17, 2010 at 9:00 a.m. in the Council Chamber, City Hall, Tyler, Texas, with the following present:

Mayor: Barbara Bass
Mayor Pro Tem: Ralph Caraway
Councilmembers: Martin Heines
Donald Sanders
Mark Whatley
Sam Mezayek
Jason Wright

City Manager: Mark McDaniel
Asst. City Manager: Scott Wall
City Attorney: Gary C. Landers
Deputy City Attorney: Steve Kean
Human Resources Director: ReNissa Wade
Development Services Engineer: Michael Wilson
City Librarian: Chris Albertson
City Police Chief: Gary Swindle
Communications Director: Susan Guthrie
Director of Planning and Zoning: Barbara Holly
Director of Solid Waste: Dan Brotton
Director of Utilities & Public Works: Greg Morgan
City Clerk: Cassandra Brager

INVOCATION

The Invocation was given by Mayor Pro Tem Caraway.

Motion by Mayor Pro Tem Caraway to approve the minutes of the October 27 and November 10, 2010 meetings; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

PRESENTATIONS

P-1 Request that the City Council hear a brief presentation regarding the use of Volunteers and the fiscal benefit to the City of Tyler.

Chief of Police Gary Swindle gave a brief presentation regarding the use of Volunteers and the fiscal benefit to the City of Tyler and Volunteer Coordinator Gary Lynch presented the Mayor with a check in the amount of \$170,935.38 to show the overall savings of the program.

P-2 Request that the City Council consider receiving a presentation from Bucher, Willis and Ratliff to update the progress and results of the Transit Route Study.

Brooke Fletcher, 1828 ESE Loop 323, Suite 202 – Gave a brief presentation to update the progress results of the Transit Route Study. The Tyler Area Metropolitan Organization (MPO) Unified Planning Work Program identified a transit route study to inventory ridership and prepare recommendations for alternative transit routes. The route study is in addition to the Public Transportation Element (Task 6) of the Metropolitan Transportation Plan contract.

The study includes transit demand profiles, an inventory of existing transit services and transit-related infrastructure, and alternative route recommendations. The additional work is not to exceed \$72,000. The study will utilize \$39,000 of Federal Transit Administration Section 5307 funding and \$33,000 of Federal Highway Administration PL-112 Planning funding. The funding sources are identified in the adopted 2008–2009 Unified Planning Work Program and the 2010 – 2011 Unified Planning Work Program.

ZONING

Z-1 APPLICATION C11-10-001 CUSTOM HOUSING INC. (OLD KILGORE HIGHWAY)
Request that the City Council consider a closing a portion of right-of-way known as Old Kilgore Highway. (O-2010-122)

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

Z-2 APPLICATION Z11-10-001 CONSUELO LABORICO (420 AND 426 COCHRAN STREET)
Request that the City Council consider changing the zoning from “R-2”, Two-Family Residential District to “R-1B”, Single-Family Residential District. (O-2010-123)

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

Z-3 APPLICATION S11-10-001 JOSE VELASQUEZ (1325 WEST 3RD STREET)
Request that the City Council consider a request for the renewal of a Special Use Permit (S01-06-010) on Lot 289 of NCB 662, to allow for the continued operation of a one-chair beauty shop for an indefinite period. (O-2010-124)

Motion by Councilmember Sanders; seconded by Councilmember Whatley; motion carried 7 - 0 & approved as presented.

Z-4 APPLICATION F11-10-011 LOWDEN ADDITION, FINAL PLAT
Request that the City Council consider approving a plat for land located north of the northeast intersection of County Road 489 and State Highway 69 North in the City of Tyler extraterritorial jurisdiction, and a waiver of \$9,062.00 in escrow for required street improvements.

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

MISCELLANEOUS

M-1 Request that the City Council consider ratifying an acceptance of donation of land and improvements (Fair Foundation & Lindsey buildings & parking lot) in downtown Tyler.

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Mayor Bass – Stated that the Fair Foundation/Fair estate has offered to donate some downtown property to the City of Tyler to be used in connection with downtown revitalization. The Fair Foundation along with the Fair estate wishes to donate the Fair Foundation and Lindsey buildings as well as an existing parking lot area to the South of these two buildings. The Fair Foundation building is virtually fully leased and there would be no changes anticipated in the use or management of this building at this time. The office buildings include approximately 150,000 square feet while the parking lots are approximately 1.2 acres with an approximate combined assessed value of \$1,652,743.

The City's anticipated plans for use of the property would be to continue the current use of the Fair Foundation building, while considering new redevelopment uses for the now vacant Lindsey building

Motion by Councilmember Heines; seconded by Mayor Pro Tem Caraway; motion carried 7 - 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 authorizing the City Manager to award bids opened November 8, 2010, to vendors for various vehicles.

Motion by Mayor Pro Tem Caraway to approve the consent item; seconded by Councilmember Sanders; motion carried 7 - 0 & approved as presented.

RECESS FOR EXECUTIVE SESSION – City Council convened into executive session at 9:28 am.

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

-under section 551.071 "Litigation" deliberation regarding the following:

1. **Appeal of Condemnation & TCEQ docket involving TTUC (Algonquin)**

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above

November 17, 2010

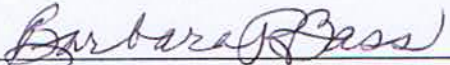
City Council reconvened from executive session at 9:41 am with no action taken.

CITY MANAGER'S REPORT

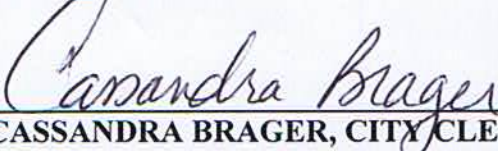
1. December 8th CC meeting will be very busy with a lot of agenda items
2. City Hall Elevator working
3. Wish everyone a great Thanksgiving
4. Mayor-Weekend after Thanksgiving will be Mayors walk & may be other locations by then.

ADJOURNMENT

Motion by Mayor Pro Tem Caraway; seconded by Councilmember Whatley; motion carried 7 - 0 & meeting adjourned at 9:43 am.


BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

