

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
SEPTEMBER 9, 2008**

CALL TO ORDER

A regular meeting of the Euless City Council was called to order by Mayor Mary Lib Saleh at 4:05 p.m. on Tuesday, September 9, 2008, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included: Mayor Mary Lib Saleh, Mayor Pro Tem Linda Martin, Council Members Tim Stinneford, Leon Hogg, Donna Mickan, and Perry Bynum. Council Member Glenn Porterfield was not present.

The precouncil meeting included:

- > A financial report for July by Director of Finance Vicki Rodriguez;
- > Review of the proposed changes to the gas drilling ordinance by Director of Planning and Development Mike Collins;
- > A report from Director of Public Works Ron Young on the Trinity River Authority Transfer Service Main to be installed through Euless;
- > An update of the drainage problems in Wilshire Addition near Greenbriar Drive and Eastcliff Drive from Director of Public Works Ron Young;
- > A discussion of grant funds available through the Texas Parks and Wildlife Department led by Director of Parks and Community Services Ray McDonald;
- > A demonstration by Information Services Administrator Dan McLain of the new wireless access installed in the precouncil room and city council chambers;
- > An announcement of Library Card Sign-up Month by Library Administrator Kate Lyon;
- > and the review of agenda items.

The city council convened into closed session at 6:45 p.m. for deliberation regarding the lease of city property, as authorized by Section 551.072 of the Texas Government Code. They reconvened into open session at 6:55 p.m.

COUNCIL CONSIDERATION OF SCHEDULED ITEMS - COUNCIL CHAMBERS

The Euless City Council continued their meeting in the Council Chambers at 7:00 p.m. for the consideration of scheduled items.

STAFF MEMBERS PRESENT

City Manager Gary McKamie, Deputy City Manager Loretta Getchell, City Attorney Bob McFarland, City Secretary Susan Crim, Deputy City Secretary Becky Null, Director of Finance Vicki Rodriguez, Director of Public Works Ron Young, Director of Economic Development Bill Ridgway, Director of Parks and Community Services Ray McDonald, Director of Planning and Development Mike Collins, Police Chief Mike Brown, Fire Division Chief Jeff Morris, Assistant Police Chief Bob Freeman, Assistant Police Chief Harland Westmoreland, City Engineer Robert Barker, Assistant Director of Planning and Development Chris Barker, Fleet and Facility Administrator Kyle McAdams, Library Administrator Kate Lyon, Fire Training Chief Dale Skinner, Fire Inspector Vernon Gilmore, Police Lt. Steve Kockos, Police Lt. John Williams, Police Sgt. Eric Starnes, Police Sgt. David S. Chaney, Police Sgt. Ron Williamson, Police Sgt. Gary Landers, Police Sgt. Casey Sanders, Neighborhood Police Officer Shelli Hartley, Police Senior Corporal James Gordon, Police Senior Corporal Joe Hoerth, Building Official Kurt Kasson, Inspection Services Supervisor Richard Ross, Public Works Equipment Operator Glen Boyett, Information Services Administrator Dan McLain, Computer Services Specialist Brett Bennett, Communications and Marketing Manager Betsy Deck, and Reserve Police Officer Clyde Cullum.

VISITORS

Reverend Eddie Adams, Wendy Terry, Faye Stinneford, Iris Elliott, Alicia Shaeffer, Jerrie Keller, Helen Voss, Barbara McClung, Christina Sebastian, Susan Rogers, Jake Thomasson, Carroll Scott, Don Horton, Billy Owens, and others as noted in the visitor register.

INVOCATION

Reverend Eddie Adams, Police Department Chaplain and Pastor of Calvary Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

The Police and Fire Honor Guard presented the colors and Police Chief Mike Brown and Fire Division Chief Jeff Morris led the Pledge of Allegiance.

ITEM NO. 1 PRESENTATION OF EMPLOYEE SERVICE PINS

Director of Public Works Ron Young introduced Public Works Equipment Operator Glen Boyett. Police Chief Mike Brown introduced Police Sgt. Eric Starnes, who introduced his friend, Wendy Terry. Mayor Saleh presented Glen with a 10-year service pin and Eric with a 15-year service pin.

CONSENT AGENDA

Council Member Stinneford motioned to approve Consent Agenda Items numbered 2 through 5.

Mayor Pro Tem Martin seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Martin, Council Members Stinneford, Hogg, Mickan, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 2 AUTHORIZED MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF EULESS AND THE CITY OF BEDFORD

Authorized the mayor to execute an interlocal agreement with the City of Bedford for roadway improvements at the intersection of Cheek-Sparger Road and the proposed Rio Grande Boulevard.

ITEM NO. 3 APPROVED EXTENSION OF INTERLOCAL AGREEMENT

Approved extension of an interlocal agreement for participation in Fort Worth's Environmental Collection Center, Household Hazardous Waste Program, from October 1, 2008, to September 30, 2009, at the rate of \$47 per participating household.

ITEM NO. 4 RECEIVED VERIFICATION OF MAXIMUM IMPACT FEES FOR WATER AND SANITARY SEWER AND AUTHORIZED MAYOR TO CERTIFY COMPLIANCE TO THE ATTORNEY GENERAL

Received verification of maximum impact fees for water and sanitary sewer and authorized Mayor to certify compliance to the Texas Attorney General that the impact fees of the City of Euless comply with state law.

ITEM NO. 5 APPROVED CITY COUNCIL MINUTES

Approved the minutes of the Regular City Council Meeting of August 26, 2008.

REGULAR AGENDA

ITEM NO. 6 APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1828

Council Member Bynum motioned to approve the first and final reading of Ordinance No. 1828 adopting an ad valorem tax rate of \$0.47 per \$100 valuation for the City of Euless for tax year 2008.

Council Member Mickan seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Martin, Council Members Stinneford, Hogg, Mickan, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

Council Member Bynum expressed appreciation to Director of Finance Vicki Rodriguez and the entire staff for the long hours they put in on the budget this year that enabled the City to maintain the tax rate at the same rate as the previous year.

ITEM NO. 7 APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1827

Council Member Mickan motioned to approve the first and final reading of Ordinance No. 1827 adopting the tax roll, as presented by the Tax Assessor-Collector, for the 2008 tax year.

Council Member Hogg seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Martin, Council Members Stinneford, Hogg, Mickan, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 8 APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1829

Council Member Stinneford motioned to approve the first and final reading of Ordinance No. 1829 approving a negotiated resolution between the Atmos Cities Steering Committee (ACSC), a coalition of more than 150 cities, and Atmos Energy Corporation, Mid-Tex Division (Atmos Mid-Tex) regarding the Atmos' Rate Review Mechanism (RRM) filing in all cities exercising original jurisdiction.

Council Member Bynum seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Martin, Council Members Stinneford, Hogg, Mickan, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

NOTE: Mayor Saleh stated that because of applicants' travel arrangements, the council would hear Item No. 10 before Item No. 9.

ITEM NO. 10 HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 08-11-SUP AND DENIED ORDINANCE NO. 1825

Mayor Saleh opened the public hearing at 7:16 p.m. regarding Ordinance No. 1825 for Specific Use Permit No. 08-11-SUP on a portion of Tract 4D, Levy Franklin Survey, A-513, for Christian Brothers Automotive in TX-121 (The 121 Gateway District), located on SH 121, south of Centurion Way.

Director of Planning and Development Mike Collins stated the applicant, Christian Brothers Automotive, is seeking approval to construct an approximately 5,106 sq. ft. single-story building containing nine service bays on 0.673 acres. The structure would feature 100% masonry construction through a combination of brick and stone. Signage would be limited to wall-mounted business name signs. Entry to the site would be via a 30 ft. mutual access driveway constructed off of SH 121 that would also service adjacent lot development. In addition, the site would be accessed via a future constructed internal mutual access easement drive that will connect individual lots throughout the development. The project will also feature a masonry screening wall along the eastern property line, adjacent to the Seramont Apartment complex. The proposed site landscaping will meet or exceed all city requirements.

Christian Brothers' hours of operations would be from 7:00 a.m. to 6:00 p.m. Monday through Friday and closed on Saturdays and Sundays.

The subject property was rezoned to the TX-121 zoning district as part of the city-wide comprehensive rezoning in 1997. Development within this zoning district was contemplated to complement and enhance the economic and aesthetic value of the SH 121 Gateway area as a whole.

Recently completed commercial development in the Shops at Vineyard Village is representative of the overall quality that the TX-121 development standards were intended to produce. The Glade Parks mixed-use planned development was approved this past spring. The stand alone zoning district that was created contains site development and architectural design standards, as well as a permitted land use table that is intended to produce an even higher quality type of development than the TX-121 zoning district.

The SH 121 corridor in Euless remains one of the strongest commercial retail markets in northeast Tarrant County. The applicant is a quality service provider in its field of business and would operate out of a quality facility that would meet or exceed all TX-121 site development standards. However, the remaining undeveloped property in the corridor is perhaps poised in the future to create a market for higher-end restaurants and retail establishments that in the past have not located in Euless.

The Planning and Zoning Commission recommended denial of this request based on the following findings found in the Unified Development Code Sec. 84-153:

- (3) The benefits that the city gains from the proposed use do not outweigh the loss of or damage to any homes and businesses, and do not outweigh the personal and economic cost of any disruption to the lives, business, and property of individuals affected by the proposed use;
- (8) The proposed use will be incompatible with the use and enjoyment of the neighboring residential use and could impair the property values within the vicinity.

Mayor Saleh asked for any proponents.

Alen Hinckley, 12201 Merit Drive, Suite 170, Dallas, Texas, 75251, stated he is representing the land owner, National Tire and Battery (NTB), and Christian Brothers Automotive. He stated they have owned the land since 1971 and worked with staff in the late 1990s to come up with the Texas 121 overlay district. He stated that the automotive use was put in the mixed use district with a specific use permit to require high quality design. He stated there is no freeway access south from Centurion Way, which necessitates high quality destination uses, such as Christian Brothers Automotive and NTB. He stated it is an unrealistic expectation for restaurants to locate on the subject property. The proposed businesses will create energy in an area that doesn't have any activity and allows a chance to connect up to Centurion Way with future development. He stated these uses will draw other quality retail users, as well as residential, and increase sales and ad valorem taxes. He also noted that the adjacent multi-family is compatible with these proposed uses.

Andrew Hovis, Vice President of Real Estate for Christian Brothers Automotive, 15995 North Barkers Landing, Houston, Texas, 77079, noted that Christian Brothers Automotive is in many cities in Dallas and Tarrant counties. They have not received any backlash from the citizens with any of their locations. He stated they have been a leader aesthetically and operationally in the automotive business for almost 10 years. The buildings are designed to have more of a residential look, and many are located with retail and even adjacent to quality residential developments. Having worked as a developer for other companies before coming to Christian Brothers, he agreed that the access along SH 121 will make it very difficult to get some of the uses suggested by staff, such as restaurants.

Max Beasley, 1800 Krokus, Keller, Texas, 76248, stated he currently owns and has operated the Christian Brothers Automotive in Grapevine on SH 114 for almost 7 years and would be the owner of the proposed business. He noted that the Planning and Zoning Commission commented that they did not think this was the best use for the property, although they did not say what they thought would be the best use. He explained the value his business would bring to the city, which includes excellent automotive repair by ASCE certified technicians, 98% overall customer satisfaction rating, voted "Best of the Best" auto repair business by the citizens of Grapevine, Colleyville, and Southlake, supports athletic programs of the local schools, supports area churches helping those in need by providing relief on pricing, supports the police and fire departments by providing discounts, and works in different ways to help his customers provide solutions to their automotive needs. He read several unsolicited letters from customers praising their service. He noted that his business is closed on the weekends; he has won the "cleanest store" award numerous times; and his business does an excellent sales volume, contributing to the sales tax.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 7:46 p.m.

Council Member Tim Stinneford read the following statement:

I've gone back and forth the past few days as to whether or not to make any comments on this SUP and the next one on the agenda, trying to decide if it is worth taking up time in an apparent exercise in futility. But I

finally decided that I wouldn't be fulfilling my responsibility to our city by just voting and moving on.

I first need it to be clear how much I admire our P & Z Commission. These commissioners dedicate a great deal of time and energy to helping our city be the best it can be. After reading the draft minutes it appears that the commissioners voted to deny based on supporting the "City's Vision" and I am not sure that the City's Vision is really clear on this issue for this location.

Based on previous discussions in precouncil, it has been apparent that the Council is not of one mind on these SUP's. However, with P & Z denying the SUP it would take 6 votes to overturn that action. I don't see that occurring but I want to take the time to review the subject.

According to the minutes, the reasons for denial were twofold. (1) The benefits that the city gains from the proposed use do not outweigh the loss of or damage to any home and business, and do not outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use. (2) The proposed use will be incompatible with the use and enjoyment of the neighboring residential use and could impair property values within the vicinity.

Let's look at these in turn. If number (1) is valid, why was there no one at P & Z to say they didn't want this in their area. The only residential is the Seramont Apartments, and they don't seem to have an issue with this. The location certainly cannot have an effect on the other businesses in the area, so where is the disruption of lives, business or property?

Number (2) is even more difficult to quantify. How will these businesses be incompatible with neighboring residential use, (the Seramont Apartments) and what property values will be diminished by having national, well run companies vs. having a scraggly, undeveloped vacant lot that has been vacant for at least 37 years.

While I applaud having high desires for all development in the city I will state with conviction that the upscale restaurants and retail that is mentioned will never go in this back-fill location. Upscale tenants are the tail that wags the dog in real estate development. They do not go in anything less than 50 yard line locations and they also will generally only go where there are other bridge tenants that cater to their customers. With the Glade Parks development coming on line soon, with much better visibility and the missed use venue that upscale tenants desire, no upscale business will look at these locations with their limited visibility and access.

In my regular job I have people all the time telling me what new tenant we should have and asking why we don't have them, and I have to explain that just because you might want someone to come in doesn't mean you

have the right location and the right deal for them. I might really want Jerry Jones to contact me for the veteran wide receiver spot, but even though I still have good hands, I have old man legs so I don't fit in his plans. It is the same with real estate, you cannot force a tenant into a lesser location if they have any choice.

Again, I want to be clear that P & Z did what they thought was right in supporting what they felt the City Vision is, but having a vision that is not based in economic reality may be worse than no vision at all.

Thanks for listening to me. This discussion really applies to both agenda items so I won't bring this up again with the next item.

Mayor Pro Tem Martin motioned to approve Ordinance No. 1825 for Specific Use Permit No. 08-11-SUP on a portion of Tract 4D, Levy Franklin Survey, A-513, for Christian Brothers Automotive in TX-121 (The 121 Gateway District), located on SH 121, south of Centurion Way.

Council Member Hogg seconded the motion.

Ayes: Mayor Pro Tem Martin, Council Members Stinneford, and Hogg

Nays: Mayor Saleh, Council Members Mickan, and Bynum

Mayor Saleh declared the motion failed.

ITEM NO. 9 HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 08-02-SUP AND DENIED ORDINANCE NO. 1824

Mayor Saleh opened the public hearing at 7:53 p.m. regarding Ordinance No. 1824 for Specific Use Permit No. 08-02-SUP on Tracts 4F and 4F1 and a portion of Tract 4D, Levy Franklin Survey, A-513, for National Tire and Battery (NTB) in TX-121 (The 121 Gateway District) zoning, located in the 2500 block of SH 121.

Director of Planning and Development Mike Collins stated the applicant, National Tire and Battery, represented by Tracy LaPiene with Allen Ridinger Consulting, Inc., is seeking approval to construct an approximately 8,000 sq. ft., single-story National Tire and Battery (NTB) store containing 10 service bays on 0.816 acres. The structure would feature 100% masonry construction through a combination of brick, stone and CMU block. Signage would include wall-mounted business name signs, as well as placement on a proposed pole sign. In addition, the applicant is proposing an approximately 300 sq. ft. enclosed, used tire storage building at the southeast corner of the property. This building would be 100% masonry (CMU block) with a roof and entry door. Entry to the site would be via a 30 ft. mutual access driveway constructed off of SH 121 that would also service adjacent lot development. In addition, the site would be accessed via a future constructed internal mutual access easement drive that will connect individual lots throughout the development. The project will also feature a masonry screening wall along the eastern property line and a portion (approximately 100 ft.) of the southern property line, adjacent to the Seramont Apartment complex. The

remainder of the southern property line (approximately 135 ft.) is proposed to be left with the current wrought iron fencing that was erected by the apartment complex. NTB would propose to plant enhanced landscaping in this area as a further visual screen. The proposed site landscaping will meet or exceed all city requirements.

NTB's hours of operations are from 7:00 a.m. to 8:00 p.m. Monday through Friday, from 7:00 a.m. to 7:00 p.m. Saturday, and from 9:00 a.m. to 6:00 p.m. on Sundays. NTB provides tire sales and installation, suspension repairs and service, wheel sales and service, alignments and brake related services, fluids and filters. A typical NTB store has 6 full time employees and sees approximately 20-40 customers per day.

The Planning and Zoning Commission recommended denial of this request based on the findings found in the Unified Development Code Sec. 84-153 (3) (8).

Mayor Saleh asked for any proponents.

Tracy LaPiene, Allen & Ridinger Consulting, Inc., 285 West Southwest Parkway, Lewisville, Texas, 75067, stated he was available for questions.

Robert Baldwin, 401 Exposition Avenue, Dallas, Texas, 75226, representing the developer, stated the question is whether automotive uses are appropriate in this area. He stated that staff worked with them to make sure that Christian Brothers Automotive and NTB complemented each other and that their architectural plans were compatible. He stated that this property is not easy to get to, but is still zoned commercial. They looked for uses that would draw people to that location, and this type of businesses do that. He stated that their type of tire and battery store is not an industrial use anymore, but are clean and bright and located in retail areas. He noted that NTB has locations in high-end neighborhoods such as Las Colinas, Arlington, Frisco, and McKinney where they back up to residential areas. He stated that 80% of their clientele are women who prefer to go to a retail area where they can drop off their vehicle and do some shopping nearby.

Alen Hinckley, 12201 Merit Drive, Suite 170, Dallas, Texas, 75251, asked Carter Butler with United Commercial Realty (UCR), to speak regarding the type of uses that would go on the subject property, stating UCR is working on the Glade Parks site on the west side of SH 121, as well as the subject site.

Carter Butler, United Commercial Realty, 7001 Preston Road, Suite 222, Dallas, Texas, 75025, stated a realty broker's job is to find the highest and best use for the retail space. He stated they first figure out who doesn't fit. There are a large number of vacant restaurants in the area, and a lot of those are due to access. Given the access of the subject property, it is not a viable spot for restaurants, now or in the future. Restaurants are driven by convenience with the majority of business occurring during the lunch hour. The access at this site will never be a fit for them. He stated that from a retail brokerage standpoint, the uses proposed tonight are the highest and best uses for this site. He stated they are destination uses and are not predicated on convenience. NTB and Christian Brothers Automotive draw customers specifically to their business because of trust and other issues.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 8:01 p.m.

Council Member Bynum stated that for years the City of Euless has been told that an area is not good enough, and he does not think that is the case. Euless has a good staff and they have a vision for Euless. He thinks the subject property is good and wants the best product for the area.

Council Member Mickan thanked Alen Hinckley for being a long time property owner who has worked well with the city and Mr. Beasley for his presentation. She stated it is asking a lot for the city council to go against the recommendations of staff and the Planning and Zoning Commission. She noted that the council is not there to rubber stamp staff and the Planning and Zoning Commission, but to do what's best for the city. She stated she disagreed with her fellow council member about the destination locations. She stated it may look like a poor location now, but questioned how that is the case when it is between Wal-Mart, Target and Lowes, which are destination locations. She believed it is premature to imagine that nothing is every going to locate on that property, when it is highly visible. She stated she is very picky about what goes there, and that while she wants both NTB and Christian Brothers in the City of Euless, she does not want them at that location in front of the luxury apartments. Although the apartment renters are not owners, that is their home.

Council Member Stinneford asked those on the council who are opposed to come up with a better idea and give it to the developer. He feels certain that they have already tried to get those businesses. He stated locations don't change and they don't get better. He stated that particular location is the best today it is ever going to be. He stated upscale businesses only go with other upscale businesses, and that while the businesses in the Shops at Vineyard Village are great, there is not one upscale business there. He stated that while they can probably get something to go on that piece of property, such as a cell phone store, a donut shop, or a nail salon, he would personally rather see a well-run and respected national chain automotive store than another strip shopping center. He stated that is all they will be able to get there unless the freeway exit is changed, which would change everything. He stated he appreciates everyone's honest opinions, but does not believe there will be a better business that will want to go there.

Council Member Mickan stated she believes it is wrong to assume that locations don't change, because she believes locations can improve because of what is around them.

Council Member Hogg motioned to approve Ordinance No. 1824 for Specific Use Permit No. 08-02-SUP on Tracts 4F and 4F1 and a portion of Tract 4D, Levy Franklin Survey, A-513, for National Tire and Battery in TX-121 (The 121 Gateway District) zoning, located in the 2500 block of SH 121.

Council Member Stinneford seconded the motion.

Ayes: Mayor Pro Tem Martin, Council Members Stinneford, and Hogg

Nays: Mayor Saleh, Council Members Mickan, and Bynum

Mayor Saleh declared the motion failed.

**ITEM NO. 11 HELD PUBLIC HEARING REGARDING PLANNED DEVELOPMENT
08-03-PD AND APPROVED FIRST AND FINAL READING OF
ORDINANCE NO. 1823**

Mayor Saleh opened the public hearing at 8:10 p.m. regarding Planned Development No. 08-03-PD on Lots A2 and A3, Oakwood Terrace West Addition, from PD 1770 (Planned Development 1770) based on R-1L zoning to PD (Planned Development) based on R-1L zoning, located on South Pipeline Road West.

Director of Planning and Development Mike Collins stated the applicant, Courtyard Development, LP, represented by Charles Dibrell, is requesting an amendment to the planned development (#06-03-PD), approved in February 2007, for a single-family detached residential development based on R-1L standards on a 4.692 acre tract. He stated the amendment would contain the following changes:

1. The overall number of lots would decline by 1, from 24 lots with 3 HOA lots to 23 lots with 3 HOA lots.
2. Average lot size increased from 6,604 sq. ft. to 6,647 sq. ft.
3. Lot density decreased from 5.12 homes/acre to 4.90 homes/acre.
4. Garage doors no longer required to be J-Swing, side or rear entry. Front entry garages allowed. All lots with the exception of Lot 3, Block A, and Lot 7, Block B, required to contain full lawn sprinkler systems, fully-sodded yards, landscaping with stone borders, garage door openers, granite countertops, tile flooring, rounded corners in interior sheet rock, 9 to 10 foot ceiling heights in the first story, 42 inch cabinets, and window boxes.
5. Rear setback for Lots 5 and 6, Block B, to be 14 feet. The rear setback for remainder of the lots to remain at 15 feet.
6. The cabana and central water feature located on Lot A, Block B, has been removed; however, the sidewalk and benches remain.

Mayor Saleh asked for any proponents.

Charles Dibrell, 2109 Franklin Drive, Arlington, Texas, gave a brief presentation stating the property has a lot of challenges and restrictions being bounded by floodplain, South Pipeline Road, and a church, in addition to a gas pipeline and a Trinity River Authority sewer easement running through the property. After working with builders and the layout, it was apparent that the planned development needed modifying. He introduced the builder, Don Dykstra, to present the proposal.

Don Dykstra, 807 Potomac Place, Southlake, Texas, 76092, distributed a brochure on Bloomfield Homes representing their amenities and designs. He stated that by

eliminating the J-Swing garages, it allows room for the master bedrooms to be included downstairs, which more customers are requesting.

Billy Owens, 508 Sunset Drive, stated that he lives around the corner from the subject property, and that the area needs to be developed.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 8:23 p.m.

Council Member Mickan motioned to approve the first and final reading of Ordinance No. 1823 as presented for Planned Development No. 08-03-PD on Lots A2 and A3, Oakwood Terrace West Addition, from PD 1770 (Planned Development 1770) based on R-1L zoning to PD (Planned Development) based on R-1L zoning, located on South Pipeline Road West.

Council Member Bynum seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Martin, Council Members Stinneford, Hogg, Mickan, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 12 HELD PUBLIC HEARING FOR AMENDMENT TO UNIFIED DEVELOPMENT CODE NO. 08-03-UDC AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1826

Mayor Saleh opened the public hearing at 8:32 p.m. regarding Ordinance No. 1826 amending the Code of Ordinances of the City of Euless, Texas, by amending Chapter 84 "Unified Development Code," Section 84-84, "Permitted Uses Table," Table 4-A, "Permitted Primary Uses;" amending Section 84-85, "Special Conditions by Use Type," by adding Subsection (ai), "Telecommunication Facilities;" and amending Chapter 30, "Fees," by adding a new Section 30-46, "Telecommunication Facilities Contract Fees."

Director of Planning and Development Mike Collins presented the proposed regulations concerning construction of cell phone towers which includes requiring a site plan, monopole construction, minimum distance from other telecommunication towers, and additional regulations.

There being no proponents or opponents, Mayor Saleh closed the public hearing at 8:36 p.m.

Mayor Pro Tem Martin motioned to approve first and final reading of Ordinance No. 1826 amending the Code of Ordinances of the City of Euless, Texas, by amending Chapter 84 "Unified Development Code," Section 84-84, "Permitted Uses Table," Table 4-A, "Permitted Primary Uses;" amending Section 84-85, "Special Conditions by Use Type," by adding Subsection (ai), "Telecommunication Facilities;" and amending

Chapter 30, "Fees," by adding a new Section 30-46, "Telecommunication Facilities Contract Fees."

Council Member Stinneford seconded the motion.

Ayes: Mayor Saleh, Mayor Pro Tem Martin, Council Members Stinneford, Hogg, Mickan, and Bynum

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 13 PUBLIC COMMENTS

There were no public comments.

ITEM NO. 14 REPORTS

STAFF REPORT

Director of Planning and Development Mike Collins introduced Inspection Services Supervisor Richard Ross who gave a report regarding the health services inspections provided and minimum housing code inspections performed by the inspectors. He also reviewed the Community Code Action Team (CCAT), which is a cooperative effort between the code inspectors and the police department in dealing with some of the code violation issues.

CITY MANAGER

City Manager Gary McKamie stated Richard Ross is one of the city's long time employees who does a great job. He stated the CCAT is a great program, noting that the police department also deals with many of the same people that the inspectors deal with. He stated that his earlier report that a shelter in Euless for Hurricane Ike evacuees would probably not be needed is now being revised. It appears that the hurricane will go further north, and the shelter at Midway Recreation Center will most likely be needed. He stated if sheltering did occur, there could be up to 100 evacuees, and volunteers will be needed.

CITY ATTORNEY

City Attorney Bob McFarland concurred that the inspectors do a good job on the code violation complaints, and he commended Richard Ross on his report.

CITY COUNCIL

Mayor Pro Tem Martin thanked Inspection Services Supervisor Richard Ross on a great report. She congratulated Public Works Equipment Operator Glen Boyett and Police Sgt. Eric Starnes on receiving their service pins, stating they are representative of the great, hard working and dedicated employees of the city. She reminded everyone that

the deadline for nominating volunteers of the year has been extended to Monday, September 15, at 5:00 p.m. She asked that the nominations be turned in to Communications and Marketing Manager Betsy Deck. She commented that as September 11 approaches, it was a privilege to have the Police and Fire Honor Guard at the meeting. She asked everyone to hold our first responders, citizens, country and freedoms in prayer this week.

Council Member Mickan stated ditto to Mayor Pro Tem Martin's remarks.

Council Member Bynum apologized for missing the last council meeting. He stated he remembers when there were very few businesses in Euless, and noted he is very passionate and proud of the city, and that the city can do anything it wants to do. He gave an update on his mother who had fallen while working as a school crossing guard breaking her left hip and shoulder. He stated he is very proud of how the city employees helped and cared for his mother, which occurred while he was out of town. He mentioned that there are great things happening in the library in the next few weeks and that decorated tiles can be purchased to help fund an art project.

Council Member Stinneford congratulated Glen Boyett and Eric Starnes on receiving their service pins. He thanked Richard Ross for his presentation, noting that most cities don't have the teamwork and cooperation between their code services and police departments that Euless has. He urged the audience to support the Euless Citizens Police Academy Alumni Association barbeque fundraiser this Saturday. He thanked the group of citizens in the audience who always come to the council meetings.

Council Member Hogg expressed his thanks to the employees.

Mayor Saleh thanked the citizens for attending the meeting. She also thanked the Police and Fire Honor Guard for participating in the Pledge of Allegiance and Invocation. She relayed a compliment from the liaison of Atmos Energy, in reference to the item on tonight's agenda, who stated that she could always count on the City of Euless to be prepared on issues.

ITEM NO. 16 ADJOURNMENT

Mayor Saleh adjourned the meeting at 8:55 p.m.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Susan Crim, TRMC
City Secretary