

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
OCTOBER 28, 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, October 28, 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, Glenn Porterfield, and Perry Bynum. Council Member Donna Mickan was not present.

The precouncil meeting included:

- > A report from Mayor Saleh on the recent Tarrant County Community Development Block Grant Neighborhood Stabilization Program meeting;
- > Announcement of upcoming city activities and events by City Secretary Susan Crim;
- > A report of the early voting turnout to date and an update on election day procedures by City Secretary Susan Crim;
- > An update on Tall Timbers Drive by City Manager Gary McKamie;
- > Discussion of Ordinance No. 1833, related to transient dwellings, led by Bradford E. Bullock, with the Law Offices of William M. McKamie;
- > A financial update from Director of Finance Vicki Rodriguez on the end of Fiscal Year 2008 and the beginning of Fiscal Year 2009, including a review of the City's investment strategy;
- > Discussion by Deputy City Manager Loretta Getchell of the Cities Aggregation Power Project (CAPP) long-term contract;
- > A report by Director of Economic Development Bill Ridgway on the semi-annual Crud Collection of hazardous material held on Saturday, October 18, 2008;
- > An update by Director of Economic Development Bill Ridgway of the upcoming International Conference of Shopping Centers to be held in San Antonio;
- > An update of construction at Texas Star and other capital projects by City Manager Gary McKamie;
- > and the review of agenda items.

The city council convened into closed session at 6:52 p.m. for deliberation of pending litigation concerning Short vs. Eules as authorized by Section 551.071 of the Texas Government Code; deliberation regarding real property concerning leasing of city property north of Harwood Road and the Parker Tract as authorized by Section 551.072 of the Texas Government Code; and deliberation of economic development incentives concerning Redi-Mix, LLC, Lease and Incentive Agreement, as authorized by Section 551.087 of the Texas Government Code. They reconvened into open session at 7:03 p.m.

COUNCIL CONSIDERATION OF SCHEDULED ITEMS - COUNCIL CHAMBERS

The Euless City Council continued their meeting in the Council Chambers at 7:07 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 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, Fire Chief Robert Isbell, Police Chief Mike Brown, City Engineer Robert Barker, Assistant Director of Planning and Development Chris Barker, Fleet and Facility Administrator Kyle McAdams, Resources/Risk Administrator Carolyn Marshall, Texas Star General Manager Glenda Hartsell-Shelton, Library Administrator Kate Lyon, Public Works Manager J. T. Ackerman, City Planner Stephen Cook, Head Golf Pro Adena Wallace, Assistant Golf Pro Jeff Lewis, Conference Center Coordinator Pat Southerland, Assistant Food/Beverage Manager Leslie Conley, Pro Shop Assistant Johnny Munzo, Information Services Administrator Dan McLain, Computer Services Specialist Jake Dilliplane, Communications and Marketing Manager Betsy Deck, and Reserve Police Officer Clyde Cullum.

VISITORS

Brett and Ashton Conley, Pam and Steve Conley, Dal Southerland, Brad Bullock, Faye Stinneford, Iris Elliott, Helen Voss, Jerrie Keller, John Schleeter, Esther Johnson, Carroll Scott, Jake Thomasson, and others as noted in the visitor register.

INVOCATION

Pastor Nehemias Basit, Hurst Seventh Day Adventist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Glenn Porterfield led the Pledge of Allegiance.

ITEM NO. 1 PRESENTATION OF EMPLOYEE OF THE MONTH FOR NOVEMBER

Texas Star General Manager Glenda Hartsell-Shelton introduced Assistant Food and Beverage Manager Leslie Conley. Leslie introduced her husband, Brett, and daughter,

Ashton, and mother- and father-in-law, Pam and Steve Conley. Mayor Saleh presented Leslie with a plaque for being selected employee of the month for November.

ITEM NO. 2 PRESENTATION OF EMPLOYEE SERVICE PINS

Golf Pro Adena Wallace introduced Assistant Golf Pro Jeff Lewis.

Texas Star General Manager Glenda Hartsell-Shelton introduced Conference Center Coordinator Pat Southerland, who introduced her husband, Dal.

Mayor Saleh presented Jeff with a 5-year service pin and Pat with a 10-year service pin.

CONSENT AGENDA

Mayor Pro Tem Martin motioned to approve Consent Agenda Items numbered 3 through 8.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 3 APPROVED RESOLUTION NO. 08-1294

Approved Resolution No. 08-1294 finding that Oncor Electric Company's requested increases to its electric transmission and distribution rates and charges within the City of Euless should be denied.

ITEM NO. 4 APPROVED RESOLUTION NO. 08-1295

Approved Resolution No. 08-1295 authorizing Cities Aggregation Power Project, Inc., (CAPP) to negotiate and execute an electric supply agreement on behalf of the City of Euless for delivery of electricity purchases from January 1, 2009, through December 31, 2013.

ITEM NO. 5 APPROVED RESOLUTION NO. 08-1296

Approved Resolution No. 08-1296 accepting the donation of 2.823 acres of land out of the G. W. Couch Survey, Abstract No. 278, Fort Worth, Tarrant County, Texas. The subject property is located immediately adjacent to the Texas Star Golf Course, east of holes number four through seven.

ITEM NO. 6 APPROVED RENEWAL OF BID NO. 005-07

Approved a one-year renewal of Bid No. 005-07 with JLB Contracting, L.P., P. O. Box 24131, Fort Worth, Texas, 76124, for Type-D hot mix asphalt, with an estimated expenditure of \$695,000.

ITEM NO. 7 AWARDED ANNUAL CONTRACT

Awarded the annual contract for purchase of water meters and transponders to Atlas Utility Supply Company, 2301 Carson Street, Fort Worth, Texas, 76117, with an estimated expenditure of \$356,875.

ITEM NO. 8 APPROVED CITY COUNCIL MINUTES

Approved the minutes of the Regular City Council Meeting of October 14, 2008.

REGULAR AGENDA

ITEM NO. 9 REMOVED BID NO. 012-08 FROM THE TABLE FOR CONSIDERATION

Council Member Stinneford motioned to remove Bid No. 012-08 from the table for consideration.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 10 AWARDED BID NO. 012-08

Council Member Bynum motioned to award Bid No. 012-08 to Redi-Mix Concrete, 1001 West Euless Boulevard, Suite 100, Euless, Texas, 76040, for ready-mixed concrete, in the amount of \$303,974.75, for a period of 18 months or until designated projects have been completed.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 11 HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 08-12-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1834

Mayor Saleh opened the public hearing at 7:23 p.m. for Specific Use Permit No. 08-12-SUP for Lot 6, Block A, St. Michael's Subdivision, for a lube service center in TX-10 (Texas Highway 10 Multi-Use District) zoning, located at 2740 West Euless Boulevard.

Director of Planning and Development Mike Collins stated the applicant, Ambasajer Asfaha, EZCO Auto Express Care, has been operating a Valvoline lube service center at the subject location under a specific use permit approved on May 13, 2003. Since he has discontinued formal association with Valvoline, a new specific use permit is required. There have been no nuisance complaints received in the five years the business has been in operation.

There being no proponents or opponents, Mayor Saleh closed the public hearing at 7:26 p.m.

Council Member Stinneford motioned to approve the first and final reading of Ordinance No. 1834 for Lot 6, Block A, St. Michael's Subdivision, for EZCO Auto Express Care, a lube service center, in TX-10 (Texas Highway 10 Multi-Use District) zoning, located at 2740 West Euless Boulevard with the following conditions: (1) Tied to the current owner, Mr. Ambasajer Asfaha; (2) Hours of operations limited to Monday through Saturday, 8:00 a.m. to 6:00 p.m., and closed on Sunday; (3) Eight foot (8 ft.) masonry wall on north side; (4) Thirty foot (30 ft.) landscape buffer on north side; (5) No open outdoor storage of hazardous or controlled waste; and (6) No overnight outdoor storage of vehicles.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 12 HELD PUBLIC HEARING REGARDING PLANNED DEVELOPMENT 08-04-PD AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1835

Mayor Saleh opened the public hearing at 7:27 p.m. for Planned Development No. 08-04-PD to change the zoning on Lot 3, Block A, Main Centre Addition, and Tracts 2A02, 2A02A, and 2A03, James P. Hallford Survey, A-711, from PD 1025 (Planned Development 1025) and C-2 (Community Business District) zoning to PD (Planned Development based on C-2 zoning), located at 331 North Main Street.

Director of Planning and Development Mike Collins stated the City of Euless is requesting to change the zoning on 6.038 acres located at 331 North Main Street to

allow the city to construct a 32,569 sq. ft. office building to be used as the administrative headquarters for Redi-Mix Concrete Corporation as part of a lease agreement. The office will be 100% masonry and will utilize concrete to showcase use of that building material. All C-2 site development standards have been met. The landscaped area at the northeast corner of the site will be enhanced to reflect the quality standards that were incorporated into the Main Street redevelopment project completed in 2005. There will be entry points to the site off of North Main Street, as well as off of Byers Court at the southwest corner of the site.

City Manager Gary McKamie stated that this is an unusual item. It involves a lease incentive agreement with Redi-Mix Concrete to build a regional headquarters for Redi-Mix at the city's expense, which will then be leased back to Redi-Mix for use as a consolidated sales and accounting office space with 75 to 100 employees. It will be a very beneficial agreement for the city, taking approximately four years to recoup the investment. The lease agreement is for 25 years with a built-in safeguard requiring Redi-Mix to repay the construction cost if they break the lease agreement within the 25 years. He stated it is a very attractive proposition for the city to get a major employer to remain in the city. Redi-Mix currently has offices in the former fire station at Westpark Way and West Pipeline Road and at Burgundy Towers, which will consolidate at the new location.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 7:35 p.m.

Council Member Hogg motioned to approve the first and final reading of Ordinance No. 1835 for Planned Development No. 08-04-PD to change the zoning on Lot 3, Block A, Main Centre Addition, and Tracts 2A02, 2A02A, and 2A03, James P. Hallford Survey, A-711, from PD 1025 (Planned Development 1025) and C-2 (Community Business District) zoning to PD (Planned Development based on C-2 zoning), located at 331 North Main Street.

Mayor Pro Tem Martin seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 13 APPROVED SITE PLAN NO. 08-11-SP

Council Member Bynum motioned to approve Site Plan No. 08-11-SP for a 32,569 sq. ft. office building to be used as the administrative headquarters for Redi-Mix Concrete Corporation on Lot 3, Block A, Main Centre Addition, and Tracts 2A02, 2A02A, and 2A03, James P. Hallford Survey, A-711, located at 331 North Main Street.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 14 HELD PUBLIC HEARING FOR AMENDMENT TO UNIFIED DEVELOPMENT CODE NO. 08-02-UDC AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1833

Mayor Saleh opened the public hearing at 7:37 p.m. regarding amendments to Chapter 84 "Unified Development Code" of the Code of Ordinances, relating to the regulation of individuals with disabilities residing in parolee-probationers homes and residential care facilities, defining transient dwellings and providing for a reasonable accommodation request process; by amending Section 84-84, "Permitted Uses Table," Table 4-A, "Permitted Primary Uses;" and amending Section 84-85, "Special Conditions by Use Type," by adding subsection (aj), "Transient Dwellings".

Bradford E. Bullock, with the Law Offices of William M. McKamie, P.C., 645 Lockhill-Selma, San Antonio, Texas, 78216, stated the purpose of the ordinance is to define transient dwellings along with other definitions and to regulate their location. He addressed the legislative findings found in the first five pages of the proposed ordinance. The ordinance expands on the Unified Development Code, defining the dwellings, their locations, and kinds of transient dwellings. The Fair Housing Act and other federal laws govern cities' abilities to regulate where these are located. The Fair Housing Act states cities must grant reasonable accommodations upon request for the benefit of the disabled. This ordinance creates the process for the city to consider reasonable accommodations.

In regard to "sober living homes", if the residents act as the functional equivalent of a family, it can be a compatible use in single family residential zoning. Legislative findings have found that high degrees of turnover are considered incompatible with single family uses. So if there are high degrees of turnover, it looks more like a boarding house. To the degree that sober living homes or other residential care facilities take on an institutional character, that is also incompatible with residential uses.

Parolee-probationer homes are post-release facilities where individuals who have been convicted of various crimes are currently serving probation. These parolees have been convicted of felony crimes and can be returned to prison if they violate their parole.

Other legislative findings are included in item 13 on page 3 of the proposed ordinance, indicating the numbers of people released from prisons, those in post-release programs, and the recidivism rates.

In item 14 on page 4 of the proposed ordinance, information is given regarding a study entitled, "The Contribution of Ex-Prisoners to Crime Rates" by Richard Rosenfeld, Joel Wallman and Robert Fornango, 2005, indicating ex-prisoners are more likely to commit crimes than those that are not ex-prisoners.

It is very important to note that the ordinance is based on real information and real data.

The ordinance is trying to address those homes where there is a high turnover rate and where the individuals do not act like a family. The ordinance would not affect foster homes or large families.

The ordinance addresses the procedures for reasonable accommodation requests. There are certain criteria that individuals have to meet in order to receive a reasonable accommodation. It also addresses the process by which the reasonable accommodation is received or denied by the city manager, and a denial can be appealed to the city council. If a reasonable accommodation request is not approved or denied within a certain amount of time, it is automatically approved.

Mr. Bullock stated the ordinance is intended to comply with federal requirements.

There being no proponents or opponents, Mayor Saleh closed the public hearing at 7:51 p.m.

Council Member Porterfield motioned to approve the first and final reading of Ordinance No. 1833 amending Chapter 84 "Unified Development Code" of the Code of Ordinances, relating to the regulation of individuals with disabilities residing in parolee-probationers homes and residential care facilities, defining transient dwellings and providing for a reasonable accommodation request process; by amending Section 84-84, "Permitted Uses Table," Table 4-A, "Permitted Primary Uses;" and amending Section 84-85, "Special Conditions by Use Type," by adding subsection (aj), "Transient Dwellings".

Council Member Hogg seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 15 PUBLIC COMMENTS

Danny Walters, 506 Evergreen Drive, addressed the council asking that the daytime curfew Ordinance No. 1831 be amended to address minors enrolled in the Hurst-Euless-Bedford Independent School District only, and change the section that lists "defenses to prosecution" to "exemptions from prosecution."

City Manager Gary McKamie stated he is limited on his response since the item was not listed on the agenda, but he said the teen daytime curfew was not intended to put home schooled children under house arrest. He stated the policy that the police department has followed for a number of years is that the police check the circumstances very carefully before taking any action. He expressed understanding of Mr. Walters'

concerns, but stated the policy will bear out that it will not be an issue to home schooled children. He stated he understood the position on the exemption to prosecution instead of exemption to defense and will discuss with the city attorney to see if a change is needed. He expressed appreciation for Mr. Walters' concern and the way he expressed that concern.

John Schleeter, 2121 Bear Creek Parkway, addressed the council concerning teen curfew ordinances in general.

ITEM NO. 16 REPORTS

STAFF REPORT

Library Administrator Kate Lyon reported on the changes that have taken place in the library recently, which included enlarging the genealogy room to include an area for local history, providing expanded quiet areas, increasing staff work areas, and replacing carpet and chairs. She thanked Kyle McAdams for his diligence in keeping the project going.

CITY MANAGER

City Manager Gary McKamie had no further report.

CITY ATTORNEY

City Attorney Bob McFarland had nothing to report.

CITY COUNCIL

Council Member Bynum thanked Mr. Walters for coming to the city council meeting to express his views, and assured him that City Manager Gary McKamie would address his concerns. He thanked Library Administrator Kate Lyon for a good report on the library.

Council Member Porterfield commended Assistant Food/Beverage Manager Leslie Conley for being selected employee of the month, Assistant Golf Pro Jeff Lewis for receiving his 5-year pin, and Conference Center Coordinator Pat Southerland for receiving her 10-year pin. He thanked Kate Lyon for her report, stating he is proud of her and the library, and he believes the library reflects the quality the city tries to put into everything it does.

Mayor Pro Tem Martin thanked Kate Lyon, stating the library is more beautiful than ever. She complimented Texas Star General Manager Glenda Hartsell-Shelton on the great staff she has in Leslie Conley, Jeff Lewis, and Pat Southerland, as well as all of the rest of her employees. She noted that staff has put a lot of time in the transient dwelling ordinance and the Redi-Mix Concrete lease agreement, and thanked Gary McKamie and his staff. She thanked Mr. Walters for bringing his concerns to the council.

Council Member Hogg gave thanks to the employees.

Council Member Stinneford congratulated the employees recognized tonight, stating Leslie Conley works hard, Pat Southerland does an incredible job, and that Jeff Lewis actually gave him a golf lesson and didn't quit afterwards. He thanked Kate Lyon for a great report. He announced that the Community Emergency Response Team (CERT) won several gold, silver, and bronze medals at the CERT Olympics competition recently.

Mayor Saleh stated the library will always be number one in her heart. She stated Texas Star Conference Centre will look great when the expansion is finished. She stated a luncheon was held recently to celebrate the success of the Home Revitalization Program in the City of Euless. She announced that she attended the Santa USA breakfast, and that Santa's first trip to schools and nursing homes will be December 5. She stated that this year is the 50th anniversary of Hurst-Euless-Bedford Independent School District. She also recently attended a ceremony at one of the oldest cemeteries in Tarrant County at the Bedford Church of Christ where Civil War era soldiers were honored.

ITEM NO. 17 ADJOURNMENT

Mayor Saleh adjourned the meeting at 8:20 p.m.

APPROVED:

Mary Lib Saleh
Mayor

ATTEST:

Susan Crim, TRMC
City Secretary