

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
DECEMBER 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, December 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, Glenn Porterfield, Donna Mickan, and Perry Bynum.

During the precouncil meeting:

- > A report was given by Mayor Saleh on the recent Tarrant Regional Transportation Coalition meeting with Congressman Michael Burgess and State Representatives Todd Smith, Vicki Truitt, Diane Patrick and Rob Orr.
- > Mayor Saleh stated that the annual Tarrant County Mayors' Council banquet held recently was very nice and the delegates present voted to support all of the legislative issues proposed by the Legislative Committee.
- > City Secretary Susan Crim announced the upcoming city activities and events.
- > Gene Carter, President of the Arbor Glen Homeowners Association expressed appreciation for the support and participation received from the City in the reconstruction of some of the streets in their subdivision. Brian Klein stated that the project came in ahead of schedule and under budget due to the part the City of Euless staff played.
- > City Manager Gary McKamie introduced Gary Terry, President of The Terry Consulting Group, who in turn introduced the Interim CEO of John Peter Smith Hospital, Robert Earley. Mr. Earley described their newly enhanced program, the school-based health centers that served 33,000 students in the last year. He also expressed the desire of JPS Hospital to be more accountable and to work more closely with local communities.
- > Director of Public Works Ron Young discussed the need for a speed limit in alleys and stated he would bring an ordinance to a future council meeting to set that speed limit at 20 miles per hour.
- > City Manager Gary McKamie reported that the HEB Teen Court office will be relocated from Hurst to Bedford in January.
- > An update was given by City Manager Gary McKamie and Director of Public Works Ron Young regarding the Trinity River Authority (TRA) water line

- installation, and they reported on the recent meeting held with citizens who will be affected by the water line construction.
- > Director of Planning and Development Mike Collins gave an update on new commercial and residential development and multi-family project renovations. He announced a proactive Apartment Inspection Program his department plans to implement and said they are also considering single family rental controls.
 - > Assistant Director of Finance Jackie Theriot reported on month-to-date sales tax receipts, car rental tax receipts and interest earned.
 - > City Manager Gary McKamie reported on the progress of the Euless Revitalization Program and said that 8 homes have been renovated in the past 12 months.
 - > City Manager Gary McKamie and Director of Public Works Ron Young gave an update on the drainage projects that were recently brought to the attention of Council Members and staff by citizens.
 - > The agenda items were reviewed.

The city council convened into closed session at 6:40 p.m. for deliberation regarding real property concerning Cresthaven Addition as authorized by Section 551.072 of the Texas Government Code. They reconvened into open session at 6:45 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 Public Works Ron Young, Director of Economic Development Bill Ridgway, Fire Chief Robert Isbell, Police Chief Mike Brown, Director of Parks and Community Services Ray McDonald, Director of Planning and Development Mike Collins, Assistant Police Chief Bob Freeman, City Engineer Robert Barker, Assistant Director of Planning and Development Chris Barker, Assistant Director of Finance Jackie Theriot, Public Works Manager J. T. Ackerman, Fleet and Facility Administrator Kyle McAdams, Human Resources/Risk Administrator Carolyn Marshall, Texas Star General Manager Glenda Hartsell-Shelton, City Planner Stephen Cook, Police Sgt. Ron Williamson, Senior Police Officer Bryan Gardner, Computer Programmer/Analyst Tommy Christopherson, Executive Secretary Diana Ryan, Human Resources/Benefit Technician Anniece McKanna, Victims Assistance Coordinator Kathy Haecker, Facilities Attendant Jerald Lively, Information Services Administrator Dan McLain, Computer Services Specialist Brett Bennett, and Communications and Marketing Manager Betsy Deck.

VISITORS

Pat, Joel, Luke, David, John, Caleb, Josiah, Charissa, Sarah, Susannah, Emily, Faith, and Victoria Christopherson, Candace, Lauren and Madilyn Gardner, Jimmy Payton, Kim McLain, Jack Hill, Veva Lou and David Massey, Gary Haecker, Dorris Brown, Esther Johnson, Jerrie Keller, John Schleeter, and others as noted in the visitor register.

INVOCATION

Reverend Johnny Kimberlin, Pastor of South Euless Baptist Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Council Member Leon Hogg led the Pledge of Allegiance.

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

Information Services Administrator Dan McLain introduced Computer Programmer/Analyst Tommy Christopherson. Tommy introduced his wife, Pat, his sons, Joel, Luke, David, John, Caleb, and Josiah, and his daughters, Charissa, Sarah, Susannah, Emily, Faith, and Victoria. Mayor Saleh presented Tommy with a plaque for being selected employee of the month for January, 2009.

ITEM NO. 2 PRESENTATION OF EMPLOYEE SERVICE PIN

Police Chief Mike Brown introduced Senior Police Officer Randall "Bryan" Gardner, who introduced his wife, Candace, and daughters, Lauren and Madilyn. Mayor Saleh presented Bryan with a 10-year service pin.

ITEM NO. 3 REQUEST BY JIMMY PAYTON TO ADDRESS CITY COUNCIL

On behalf of the Calloway Cemetery Association, Jimmy Payton gave a history of Calloway Cemetery, located in Fort Worth just outside of the Euless city limits, and thanked the city council and staff for their support and help at the cemetery.

CONSENT AGENDA

Item No. 5 was pulled from the Consent Agenda and Council Member Stinneford motioned to approve Consent Agenda Items numbered 4, 6 and 7.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 4 AUTHORIZED THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN TARRANT COUNTY AND THE CITY OF EULESS

Authorized the city manager to execute an interlocal agreement between the City of Euleless and Tarrant County for asphalt overlay improvements to be performed on East Denton Drive, Ash Lane West, and Fair Oaks Boulevard.

ITEM NO. 6 AUTHORIZED THE MAYOR TO NEGOTIATE AND EXECUTE CONVEYANCE DOCUMENTS

Authorized the mayor to negotiate and execute conveyance documents for the purchase of the following properties: Lot 18, Block 1, Cresthaven Addition, located at 912 Cresthaven Drive; Lot 4, Block 2, Cresthaven Addition, located at 1005 Cresthaven Drive; and Lot 23, Block 2, Cresthaven Addition, located at 1002 Highland Drive.

ITEM NO. 7 CONSIDER APPROVAL OF CITY COUNCIL MINUTES

Approved the minutes of the Regular City Council Meeting of November 25, 2008.

REGULAR AGENDA

ITEM NO. 5 APPROVED RESOLUTION NO. 08-1302 ACCEPTING CONVEYANCE AND DONATION OF RIGHT-OF-WAY KNOWN AS TALL TIMBERS DRIVE

Council Member Hogg motioned to approve Resolution No. 08-1302 accepting conveyance of private property described as Tall Timbers Drive out of the Forest Pointe Addition from the Tarrant County Housing Partnership, Inc., and the Forest Pointe Estates Owners Association.

Council Member Mickan seconded the motion.

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

Nays: None

Abstentions: Council Member Porterfield

Mayor Saleh declared the motion carried.

ITEM NO. 8 APPROVED SITE PLAN NO. 08-06-SP

Director of Planning and Development Mike Collins stated the applicant, Chad Ferrell, dba C. F. Electric, Inc., is seeking approval to construct a 5,985 sq. ft. commercial building on 0.62 acres zoned I-1 (Light Industrial) located on the north side of South Pipeline Road, east of Raider Drive. The building will consist of 2,000 sq. ft. of office space and 3,985 sq. ft. of warehouse with no outdoor storage. Access is provided from

South Pipeline Road. Funds will be placed in escrow for the required 74.5 linear feet of sidewalk along South Pipeline Road. The building will be constructed of 100% masonry with a metal roof.

Council Member Stinneford motioned to approve Site Plan No. 08-06-SP for C. F. Electric, Inc., on Tract 3E01, John A. Groves Survey, A-599, located at 2812 South Pipeline Road West.

Council Member Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 9 APPROVED SITE PLAN NO. 08-12-SP

Director of Planning and Development Mike Collins stated the applicant, Redifun Simulation, Inc., (RSI), represented by Neil Wheatley, purchased the property located at 1350 Westpark Way and received a Certificate of Occupancy in July, 2006. They are now seeking approval to construct a 7,935 sq. ft. single story addition to an existing 17,570 sq. ft. commercial building originally built for Krispy Kreme Donuts Corporation in 2000. The addition is designed to match the architecture of the existing structure and will be 100% masonry construction with a metal roof.

Mayor Pro Tem Martin motioned to approve Site Plan No. 08-12-SP for Redifun Simulation, Inc., on Lot 6, Block E, International/Regional Industrial Complex, located at 1350 Westpark Way.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 10 HELD PUBLIC HEARING AND AUTHORIZED CITY MANAGER TO CONVERT PORTIONS OF PARK PROPERTY FOR THE PURPOSE OF SUBSURFACE DRILLING AND THE EXTRACTION OF NATURAL GAS FROM AN OFF-SITE LOCATION

Mayor Saleh opened the public hearing at 7:34 p.m. regarding the conversion of portions of park property for the purpose of subsurface drilling and the extraction of natural gas from an off-site location.

Director of Planning and Development Mike Collins stated the council needed to: (a) Find that there is no feasible or prudent alternative to extracting natural gas from underneath the park sites; and (b) Find that the proposed conversion includes all reasonable planning to minimize harm to the parkland; and (c) Authorize the city manager to convert the dedicated parkland for subsurface drilling and extraction of natural gas from land described as follows:

Bob Eden Park and Trailwood Park - Lot 9A, Block 8, Trailwood Addition, and Tracts 1D1 and 2E, George Linney Survey, A-939

McCormick Park - Tracts 5A2, 5A3, and 5A3A, Ben F Crowley Survey, A-320

The Preserve at Bear Creek - Tracts 3, 3B, and 5A3B, Ben F Crowley Survey, A-320

Villages of Bear Creek Park - Tracts 1A01, 1D, 2C, 3D, 4, and 4E09, Richard Crowley Survey, A-312, and Lot 5, Block 6, Villages of Bear Creek Addition

Reflection Park - Tract 5B4, Richard Crowley Survey, A-312

Mayor Saleh asked for any proponents. There being no proponents, Mayor Saleh asked for any opponents.

John Schleeter, 2121 Bear Creek Drive, stated he was opposed to surface drilling on city property.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 7:42 p.m.

Council Member Hogg motioned to authorize the city manager to convert portions of park property for the purpose of subsurface drilling and the extraction of natural gas from an off-site location.

Mayor Pro Tem Martin seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 11 APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1837

Assistant Director of Planning and Development Chris Barker explained that House Bill 1656, approved in June 2007, requires municipalities with a population of 20,000 or more to adopt a landscape irrigation ordinance with requirements at least as stringent

as the rules to be set out by the Texas Commission on Environmental Quality (TCEQ). The bill focused on the following aspects: design, installation and operation of irrigation systems; water conservation; and duties and responsibilities of licensed irrigators. HB1656 required the TCEQ to adopt a set of governing rules required to go into effect on January 1, 2009. TCEQ adopted these rules on June 4, 2008, and they were published in the Texas Register on June 20, 2008. Highlights of HB1656 and the TCEQ rules (Texas Administrative Code, Title 30, Chapter 344-Landscape Irrigation) include the requirement of:

- Development of an irrigation plan for each irrigation system installed.
- A licensed irrigator or irrigation technician to be on the job site at all times during the installation of the irrigation system.
- The installer of the irrigation system to provide training to the owner of the irrigation system on proper operation of the system.
- A city irrigation inspector (licensed irrigation inspector and/or plumbing inspector) to: enforce the ordinances of the municipality and TCEQ; verify appropriate required permits; inspect the irrigation system including backflow prevention; investigate complaints related to installation, maintenance, alterations, repairs, or service; and maintain inspection records for a period of three years.

As provided for within HB1656, municipalities may charge a fee sufficient to recover the cost of administering the irrigation program. As such, the proposed ordinance provides for a \$100 plan review and inspection fee to be levied in excess of the currently required permit fee. A minimum of three separate inspections will be required for each new irrigation system installation. The city currently processes over two dozen irrigation permits per year for existing residential properties. The demands that will be placed on the city regarding new residential development and commercial developments that require irrigation systems are more difficult to predict.

Council Member Stinneford motioned to approve the first and final reading of Ordinance No. 1837 amending the Code of Ordinances of the City of Euless, Texas, Chapter 14, "Buildings and Building Regulations," Article II, "International Residential Code," Section 14-25, "Amendments," and Article IV, "International Plumbing Code," Section 14-63, "Amendments," and Chapter 30, "Fees," Section 30-13, "Building Fees," by adding local amendments to the 2003 edition of the International Residential Code for one and two-family dwellings and the 2003 International Plumbing Code, as previously adopted, in order to establish the minimum standards for installation of irrigation systems within the corporate limits of the City of Euless and permit fees.

Council Member Mickan seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 12 PUBLIC COMMENTS

Bill McDowell, 402 Renee Drive, requested the city council implement a ban on smoking in restaurants in Euless.

John Schleeter, 2121 Bear Creek Drive, requested the city council implement a ban on smoking in restaurants in Euless. He also stated his support of the "green cement" program.

ITEM NO. 13 REPORTS

STAFF REPORT

Communications and Marketing Manager Betsy Deck gave a year-end report on the Euless Home Revitalization program, in which the city partnered with several churches to make home improvements to eight homes during the year. She noted that there are three homes currently in progress of being renovated. The selection of the homes renovated was based on financial and physical needs of the occupants. Betsy introduced Dan Delf and Cindy Jones with the Northwest 360 Coalition who donated \$10,500 to the revitalization program. The coalition was one of the last homeowner groups to receive the large gas signing bonuses, and they made the decision to give back to the community through cash donations to the Euless Revitalization Program and the Grapevine Relief and Community Exchange (GRACE) Program in Grapevine. Betsy also introduced Scott Sheppard with First Baptist Church in Euless who helped in coordinating the project.

CITY MANAGER

City Manager Gary McKamie stated the revitalization program is a spinoff of the grant with the Housing and Urban Development (HUD) through Tarrant County Community Development to revitalize homes in need of repair and is an outreach of the City of Euless and the church community. He stated that staff is currently looking for homes that need repair and the homeowners are unable to make those repairs. He stated that Betsy Deck has done a great job guiding the program and fulfilling the vision. He stated his appreciation for First Baptist Church of Euless, Restoration Church, and Life Connection Church. On behalf of staff, he thanked the citizens for their support and the city council for all they do for staff. He stated he didn't know of another city that does for its residents and employees what Euless does. He stated that the only way to provide for the citizens the way Euless does is to hire good employees, and Euless has great employees. He wished everyone a Merry Christmas.

CITY ATTORNEY

City Attorney Bob McFarland wished everyone a Merry Christmas.

CITY COUNCIL

Council Member Stinneford congratulated Computer Programmer/Analyst Tommy Christopherson on being selected employee of the month and Senior Police Officer Bryan Gardner on receiving his 10-year service pin. He stated they are two more examples of the great employees that are the backbone of the City of Euless. He thanked Communications and Marketing Manager Betsy Deck for a great presentation on the home revitalization program. He thanked Mike Collins for his explanation of the gas drilling ordinance and assured the citizens that the council is aware of the sensitive nature of the citizens being allowed the opportunity to benefit from gas drilling, while at the same time protecting city property. He wished everyone a Merry Christmas and a great New Year.

Council Member Hogg expressed appreciation to the employees, and wished everyone a Merry Christmas.

Mayor Pro Tem Martin thanked Betsy on her work on the home program, as well as everyone involved, stating they have done a great job. She noted that this is one of the greatest things to happen in Euless. She congratulated Director of Parks and Community Services Ray McDonald and the whole department for a great parade. She stated that Euless has the most sensational group of employees and wonderful citizens. She wished everyone a very safe and Merry Christmas and the very best for 2009.

Council Member Mickan congratulated Tommy Christopherson and Bryan Gardner on their recognitions. She stated the Christmas Parade of Lights was outstanding and that it was her first time to ride in it, noting there were over 100 entries. She wished everyone a Merry Christmas

Council Member Porterfield congratulated the employees honored and thanked the citizens who spoke tonight. He stated his appreciation for Jimmy Payton and his presentation. He wished everyone a Wondrous Christmas and Happy New Year.

Council Member Bynum stated that Christmas is a great time of year. He stated he was proud of Ray McDonald and the Parade of Lights. He stated that Director of Public Works Ron Young did a great job representing the city the previous week when he met with a group of citizens who live along Westpark Way who will be impacted by the construction of the new water line. He stated his appreciation for Betsy Deck and for Scott Sheppard and the work he does in the community and for First Baptist Church of Euless. He thanked Jimmy Payton for his presentation, noting that Calloway Cemetery is very special to the city and that he supports the project. He wished everyone a great holiday.

Mayor Saleh thanked everyone for coming tonight and for the reports and honors given. She wished everyone a wonderful holiday.

ITEM NO. 14 ADJOURNMENT

Mayor Saleh adjourned the meeting at 8:14 p.m.

APPROVED:

Mary Lib Saleh
Mayor

ATTEST:

Susan Crim, TRMC
City Secretary