

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
TUESDAY, APRIL 28, 2009**

CALL TO ORDER

A regular meeting of the Euless City Council was called to order by Mayor Mary Lib Saleh at 4:00 p.m. on Tuesday, April 28, 2009, 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, Glenn Porterfield and Perry Bynum.

During the precouncil meeting:

- Mayor Saleh reported that she and Parks and Community Services Director Ray McDonald recently attended the Summit for Children and Families of North Texas. She said they learned that organized activities such as sports are good, but families need to spend more time together in activities similar to events we sponsor here in Euless like Arbor Daze.
- City Secretary Susan Crim reported on the beginning of early voting for the upcoming May 9 City Council election and discussed the plans for canvassing the election. She reviewed the calendar of future city activities and events.
- Henry DelCastillo reported that the Hurst-Euless-Bedford Transit program has been operating for nearly three years and is providing a reliable and sustainable transportation service to core clients in the HEB area. He said they operate from 6 a.m. to 6 p.m. Monday through Friday for transportation disadvantaged clients who are not otherwise served.
- Director of Parks and Community Services Ray McDonald gave a report on Arbor Daze and thanked everyone for the great help they gave. He said they had received many comments from residents, all positive, and stated the citizens really liked the smaller festival with the hometown atmosphere. He said they gave away over 3,000 trees and estimated approximately 7,000 in attendance.
- Director of Planning and Development Mike Collins gave an update on residential and commercial development, recent foreclosures, code enforcement and health inspection activity, the status of the apartment inspection program and the new signage at the Villages of Bear Creek.
- City Manager Gary McKamie reported that the Census Bureau is working toward the 2010 Census and has asked the City of Euless to assist by forming a Complete Count Committee. He pointed out the importance of accurate counting for future representation and funding for the City.

- Special Projects Manager Kay Godbey reported on the American Recovery & Reinvestment Act and reviewed the projects submitted by the City of Euless, the grants received, and the grants in the submittal stage for possible future funding. She stated that new information is forthcoming daily.
- City Manager Gary McKamie reported on legislation being considered by the Texas Legislature regarding appraisal and revenue caps, electric rate regulation and collective bargaining.

The City Council convened into closed session at 6:18 p.m. for deliberation regarding contemplated or pending litigation concerning Primary Purpose Homes, as authorized by Section 551.071 of the Texas Government Code; for deliberation regarding personnel matters related to a Zoning Board of Adjustment Appointment, the Director of Economic Development and the Deputy City Secretary as authorized by Section 551.074 of the Texas Government Code; and for deliberation regarding economic development incentives related to the Dallas/Fort Worth International Airport as authorized by Section 551.087 of the Texas Government Code. They reconvened into open session at 6:50 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, Associate City Attorney Paul Wieneskie, City Secretary Susan Crim, Director of Economic Development Bill Ridgway, Director of Public Works Ron Young, Director of Planning and Development Mike Collins, Director of Finance Vicki Rodriguez, Fire Chief Robert Isbell, Police Chief Mike Brown, Director of Parks and Community Services Ray McDonald, Communications and Marketing Manager Betsy Deck, Special Projects Manager Kay Godbey, Fleet and Facility Administrator Kyle McAdams, Court Manager Teresa Alexander, Assistant Director of Planning and Development Chris Barker, Senior Planner Stephen Cook, City Engineer Robert Barker, Public Works Manager J. T. Ackerman, Assistant Director of Finance Jackie Theriot, Information Services Administrator Dan McLain, Computer Services Specialist Jake Dilliplane, Deputy Court Clerks Claudia Quintero, Linda Minor, Emily Murphy and Rose Lopez, and City Secretary Office Secretary Ann Pope.

VISITORS

Reverend Bob Neely of First Baptist Church, Jerrie Keller, Esther Johnson, Al Aston, Carroll Scott, Pastor Denorvice Howard of Faith by Grace Family Worship Church, Jake Thomasson, Mike Pizzelanti, John Schleeter, John Philips of Sycotic Designs, Mark Compton, Eddie Price, Rosa Gonzalez, Richard Quintero, Micah Lane, Lisa Tran and Madeline Kelley of U.S. Census Dallas Regional Office.

INVOCATION

Reverend Bob Neely, Pastor, First Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Martin led the Pledge of Allegiance.

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

Director of Finance Vicki Rodriguez introduced Municipal Court Deputy Clerk Claudia Quintero and praised her contributions and accomplishments. Claudia introduced her mother, Rosa Gonzalez, and her husband, Richard Quintero and her friends and co-workers Municipal Court Manager Teresa Alexander, and Deputy Court Clerks Emily Murphy, Rose Lopez and Linda Minor. Mayor Saleh presented Claudia with a plaque for being selected employee of the month for May.

ITEM NO. 2 PRESENTATION OF PROCLAMATION

Mayor Saleh read the proclamation for Census 2010 proclaiming full support and participation of the City of Euless in achieving an accurate and complete count in the 2010 Census. She then presented the proclamation to Madeline Kelley, Partnership Specialist with the U. S. Census Bureau.

ITEM NO. 3 PRESENTATION OF QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING MARCH 31, 2009

Director of Finance Vicki Rodriguez presented the Quarterly Financial Report for the period ending March 31, 2009. She stated that total revenues collected in the General Fund for the first six months of Fiscal Year 2009 were up \$516,717 when compared to Fiscal Year 2008. Property tax collections were up from prior year by \$702,134. Sales tax collections decreased \$87,123 from prior years, Municipal Court receipts fell \$102,727 from prior year due to decreased case volume, and Development revenues increased by \$18,380. Total General Fund revenues are at 61.5% of budget. General Fund expenditures are at 45.35 of budget.

CONSENT AGENDA

Mayor Pro Tem Martin motioned to approve Consent Agenda Items numbered 4 thru 9.

Council Member Stinneford seconded the motion

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 4 AUTHORIZED THE CITY MANAGER TO EXECUTE AGREEMENTS TO ESTABLISH A POST-EMPLOYMENT BENEFITS TRUST

Authorized the City Manager to execute the agreements necessary to establish a Post-Employment Benefits Trust, including, but not limited to, signing the adoption agreement to adopt and establish the PEB Trust, signing the administrative services agreement with Alerus Financial, and signing the application for an Employer Identification Number for the Trust.

ITEM NO. 5 APPROVED RENEWAL OF BID NO. 023-07

Awarded a renewal contract to Reliable Paving, Inc., 1903 North Peyco, Arlington, Texas, for asphalt street repairs and authorized the City Manager to enter into a contract with Reliable Paving, Inc., not to exceed \$72,000.

ITEM NO. 6 APPROVED AWARD OF BID NO. 006-09

Awarded Bid No. 006-09 for asphalt slurry seal and microsurfacing to Viking Construction, Inc., 2592 Shell Road, Georgetown, Texas 78628, for a term ending December 31, 2009 with four (4) one-year renewal options, and authorized the City Manager to enter into a contract with Viking Construction, Inc., not to exceed \$95,088.

ITEM NO. 7 APPROVED AWARD OF BID NO. 007-09

Awarded Bid No. 007-09 for concrete repairs to T. J. Concrete, 3325 Panola Avenue, Fort Worth, Texas, 76103, for a period of one year with an option for four (4) additional years, and authorized the City Manager to enter into a contract with T. J. Concrete not to exceed \$115,000. Estrada Concrete Company will be used as the secondary vendor if the primary vendor becomes unresponsive.

ITEM NO. 8 APPROVED RESOLUTION NO. 09-1309

Approved Resolution No. 09-1309 adopting the Water Conservation Plan for the City of Euless in accordance with House Bill 4 enacted by the 80th Texas Legislature.

ITEM NO. 9 APPROVED CITY COUNCIL MINUTES

Approved the minutes of the regular City Council Meeting of April 14, 2009

REGULAR AGENDA

ITEM NO. 10 HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 09-01-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1845

Mayor Saleh opened the public hearing at 7:28 p.m. for Specific Use Permit No. 09-01-SUP on Tract 1B03 in the Kitty House Survey, A-678, in the TX-10 (Texas Highway 10

Multi-Use District) for the Faith By Grace Family Worship Church, located at 2215 West Pipeline Road.

Director of Planning and Development Mike Collins stated that the church, represented by Pastor Denorvice Howard, is seeking to lease space within an existing structure adjacent to a pet crematorium. He said the site plan submitted by the applicant indicates adequate parking, and the applicant will be required to submit building permit applications for the renovation of the interior of the building to be utilized by the church.

Mayor Saleh asked for any proponents.

Pastor Denorvice Howard of 3653 West Walnut Hill Lane, Irving, Texas, expressed his hope that his church, Faith By Grace Family Worship, will be granted a Specific Use Permit.

Mike Pizzelanti, owner of the facility said the Faith By Grace Family Worship Church will be able to use the entire parking lot because his business is closed during the times they will be meeting.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 7:33 p.m.

Council Member Stinneford motioned to approve the first and final reading of Ordinance No. 1845 for Specific Use Permit No. 09-01-SUP for the Faith By Grace Family Worship Church, located at 2215 West Pipeline Road in the Kitty House Survey, A-678, Tract 1B03, in the TX-10 (Texas Highway 10 Multi-Use District) with the following conditions: (1) Tied to the pastor, Denorvice Howard; (2) Tied to the church, Faith By Grace Family Worship; and (3) Limited to one year.

Mayor Pro Tem Martin seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 11 HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 09-02-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1846

Mayor Saleh opened the public hearing at 7:36 p.m. for Specific Use Permit No. 09-02-SUP on Lot 5D, Jasper Addition, in C-2 (Community Business District) zoning, for a paint shop, Sycotic Designs, located at 2021 West Airport Freeway #A.

Director of Planning and Development Mike Collins said John Philips is seeking renewal of a specific use permit that was approved by the City Council on March 11, 2008. There have been no operation issues during that time frame nor has the city received

any complaints on the business. Sycotic Designs provides custom painting services for motorcycles in a fully enclosed paint booth.

Mayor Saleh asked for any proponents.

John Philips, 2021 West Airport Freeway, stated that he has enjoyed having his business in Euless and it is doing good.

There being no additional proponents or opponents, Mayor Saleh closed the public hearing at 7:40 p.m.

Council Member Mickan motioned to approve the first and final reading of Ordinance No. 1846 for Specific Use Permit No. 09-02-SUP on Lot 5D in the Jasper Addition, for a paint shop, Sycotic Designs, in C-2 (Community Business District) zoning, located at 2021 West Airport Freeway #A, with the following conditions: (1) Tied to the owner, John E. Philips and (2) Tied to the business name, Sycotic Designs.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 12 HELD PUBLIC HEARING FOR AMENDMENT TO UNIFIED DEVELOPMENT CODE NO. 09-01-UDC AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1847

Mayor Saleh opened the public hearing at 7:44 p.m. regarding an amendment to Chapter 84 "Unified Development Code", Section 84-7 "Definitions and Word Usage", subsection (b) "Definitions" of the Code of Ordinances.

Director of Planning and Development Mike Collins explained that it was necessary to update the definitions in Chapter 84 in order for them to be consistent with those included in Ordinance No. 1844, adopted on March 24, 2009, related to sexually oriented businesses. The proposed ordinance contains a new set of definitions to provide clarification and a better understanding of individual terms related to the complex regulation of sexually oriented businesses. These definitions become very significant with respect to the issuance of a license to operate. The new ordinance specifically spells out what sexual acts, exposed parts of the human body, or what criminal convictions constitute the basis for denial of a permit.

There were no proponents or opponents and Mayor Saleh closed the public hearing at 7:48 p.m.

Council Member Hogg motioned to approve the first and final reading of Ordinance No. 1847 amending Chapter 84 “Unified Development Code”, Section 84-7 “Definitions and Word Usage”, subsection (b) “Definitions” of the Code of Ordinances.

Council Member Stinneford seconded the motion

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 13 ACCEPTED RESIGNATION OF ZONING BOARD OF ADJUSTMENT MEMBER AND APPOINTED REPLACEMENT

Council Member Bynum motioned to accept the resignation of Karin Newell from Place 5 on the Zoning Board of Adjustment, and to appoint Steven Ellis to Place 5 from his position as Alternate No. 1, and to appoint Bryon DeVries to Alternate No. 1 from his position as Alternate No. 2.

Council Member Porterfield seconded the motion

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 14 PUBLIC COMMENTS

There were no public comments.

ITEM NO. 15 REPORTS

CITY ATTORNEY

Associate City Attorney Paul Wieneskie had no report.

CITY MANAGER

City Manager Gary McKamie recognized Micah Lane of View Point Bank and thanked him for his interest in the City of Euless and for his attendance at the City Council meeting. He complimented the entire staff for doing an outstanding job in holding down costs in the difficult economic time. He said that they have only expended 45% of the budget, although over half of the year has passed. The staff is committed to staying in the black without any impact on our services to our citizens. This effort can clearly be

seen with the Arbor Daze festival this year. The staff was scaled back, but because of diligent and hard-working people, Arbor Daze was still a great success.

CITY COUNCIL

Council Member Mickan congratulated Claudia Quintero on being selected Employee of the Month for May, and she thanked Director of Finance Vickie Rodriguez for her comprehensive financial report. She stated that the staff and volunteers made Arbor Daze great. She said that the Teen Court Banquet was a wonderful success, and scholarships were given to deserving students who work in the teen court.

Council Member Porterfield congratulated Claudia Quintero for her recognition, and he thanked Director of Finance Vicki Rodriguez for presenting her financial report to the entire City Council and citizens in such a way that it keeps the City's finances transparent and before the public. He congratulated those who made Arbor Daze a success and thanked the staff and volunteers for their efforts.

Council Member Bynum said that Arbor Daze was a wonderful festival, and everyone did a great job. He expressed his appreciation to Director of Parks and Community Services Ray McDonald for the educational exhibit on how to reclaim water. He complimented Director of Finance Vicki Rodriguez on a great job, and he encouraged everyone to get out and vote in the upcoming City Council election.

Council Member Stinneford congratulated Claudia Quintero on the great job she is doing in the Court. He thanked the entire staff for the incredible work on the budget during such a tough time with a declining economy. He also thanked the Arbor Daze volunteers and staff who worked diligently for two days, and said he believes it is what sets Euless apart from every other city he has ever lived in.

Mayor Pro Tem Martin congratulated Claudia Quintero and thanked everyone involved with Arbor Daze. She said that even though the festival was run with a scaled down staff, she was not aware of that fact because it was done so seamlessly. She also thanked the staff for their conservative fiscal management.

Mayor Saleh expressed how well Arbor Daze went and the enthusiasm of volunteers and participants in the festival. She reported that five elementary schools participated in the Poe-Tree Contest this year, and the winner was Midway Park Elementary School with their poem, "*My Great Big Friend*". She stated that the poem will be posted on a plaque in the Preserve at McCormick Park and published in the next "Euless Today" magazine.

The Mayor reminded everyone that Election Day is May 9, 2009, and announced that the candidates for Place 5 are Council Member Glenn Porterfield and Eddie Price, and for Place 6 the candidates are Council Member Perry Bynum and Lorren Britton.

ITEM NO. 16 ADJOURNMENT

Mayor Saleh adjourned the meeting at 7:56 p.m.

APPROVED:

Mary Lib Saleh
Mayor

ATTEST:

Susan Crim, TRMC
City Secretary