

**MINUTES OF A REGULAR MEETING  
OF THE  
EULESS CITY COUNCIL  
AUGUST 11, 2009**

**CALL TO ORDER**

A regular meeting of the Euless City Council was called to order by Mayor Mary Lib Saleh at 4:10 p.m. on Tuesday, August 11, 2009, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included: Mayor Mary Lib Saleh, Mayor Pro Tem Tim Stinneford, Council Members Leon Hogg, Linda Martin, Donna Mickan, Glenn Porterfield, and Perry Bynum.

During the precouncil meeting:

- Mayor Mary Lib Saleh reported that the Tarrant Regional Transportation Coalition will be forming a Public Education Committee to educate the public about the transportation crisis in Tarrant County.
- City Secretary Susan Crim announced upcoming city activities and events.
- Deputy City Manager Loretta Getchell reviewed the procedure for agenda packet distribution for council members.
- Police Chief Mike Brown distributed copies of the crime prevention ordinance that is being proposed. He discussed various provisions of the ordinance and stated that it will be on the next city council agenda for consideration.
- Director of Planning and Development Chris Barker distributed copies of the proposed sign ordinance. He reported that the Planning and Zoning Commission discussed it at length and made several minor recommendations. The ordinance will be on the city council agenda for consideration at the next meeting.
- Director of Public Works and Engineering Ron Young reported that the City of Euless had received a request for a Municipal Setting Designation in the City of Grand Prairie, and a resolution will be placed on the next city council agenda for consideration.
- Director of Public Works Ron Young and City Engineer Robert Barker discussed the state-mandated amendments that the City will need to make to their ordinance that regulates development adjacent to a floodplain. The amendments will be on the next city council agenda for consideration.
- Geographic Information Systems (GIS) Manager David Allen discussed the support that the City's GIS System will give to the 2010 US Census. He stated that a Complete Count Committee has been formed, and their objective is to assist in getting an accurate count of the number of people residing in the City of

Eules in order for appropriate funding and representation to be made available to the citizens of Eules.

- Deputy City Manager Loretta Getchell reported that the Public Utility Commission has recommended approval of the rate increase requested by Oncor Electric Delivery Company, and the average increase to a citizen will be \$2.40 per month.
- Director of Finance Vicki Rodriguez gave the financial report for June sales tax receipts.
- The agenda items were reviewed.

The City Council convened into closed session at 6:35 p.m. for deliberation regarding pending litigation regarding Merced vs. Eules as authorized by Section 551.071 of the Texas Government Code and deliberation regarding real property related to Cresthaven as authorized by Section 551.072 and of the Texas Government Code.

### **COUNCIL CONSIDERATION OF SCHEDULED ITEMS - COUNCIL CHAMBERS**

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

### **STAFF MEMBERS PRESENT**

Deputy City Manager Loretta Getchell, City Attorney Bob McFarland, City Secretary Susan Crim, Director of Economic Development Mike Collins, Director of Public Works Ron Young, Director of Planning and Development Chris Barker, Fire Chief Robert Isbell, Police Chief Mike Brown, Director of Finance Vicki Rodriguez, Director of Parks and Community Services Ray McDonald, Assistant Police Chief Bob Freeman, Assistant Police Chief Harland Westmoreland, City Engineer Robert Barker, Human Resources/Risk Administrator Carolyn Marshall, Fleet and Facility Administrator Kyle McAdams, Texas Star General Manager Glenda Hartsell-Shelton, Library Administrator Kate Lyon, Information Services Administrator Dan McLain, Police Lieutenants John Williams and Steve Kockos, Police Sergeants Ron Williamson and David S. Chaney, Senior Police Officer Robert Provost, Public Works Manager J. T. Ackerman, Recreation Superintendent Michael Davenport, Athletic Supervisor John Douthit, Athletic Coordinator Ryan Alexander, Police Dispatcher Cynthia Pena, Police Records Office Supervisor Michele Hastings, Public Service Officer Demetrie Washington, Public Works Leadman Greg Cameron, Communications and Marketing Manager Betsy Deck, Accountant Alice Norwood, City Planner Stephen Cook, Building Official Kurt Kasson, Computer Services Specialist Brett Bennett, HR Generalist Connie Scott-Ortiz, HR Benefit Technician Zella Stierwalt, HR Benefit Technician Anniece McKanna, Deputy Court Clerk Emily Murphy, Parks Department Manager-on-Duty Jim Ptomey, Facility Attendant Jerald Lively and CSO Secretary Ann Pope.

### **VISITORS**

John Schletter, Billy Owens, Don Horton, Jake Thomasson, Kiah Pena, Sandy and Johnny Hughes and Bridgette, Karla Cameron, Al Silva, Bryan and Pat Bullwinkle,

Jacob Baumgarther, Lisa Bynum, Carroll Scott, Carol Agee, Bill Byers, Eddie Price, Mark Compton, Alnawaz Devani, Tim Sullivan and Kim McLain.

## **INVOCATION**

Council Member Perry Bynum gave the invocation.

## **PLEDGE OF ALLEGIANCE**

Council Member Leon Hogg led the Pledge of Allegiance.

## **ITEM NO. 1 PRESENTATION OF EMPLOYEE SERVICE PINS FOR AUGUST**

Ray McDonald, Director of Parks and Community Services, and John Douthit, Athletic Supervisor, introduced Jim Ptomey, who is a Manager-On-Duty in the Parks and Community Services Department. Jim introduced his wife, Monica, and Mayor Pro Tem Tim Stinneford presented him with a plaque for being selected Employee of the Month for August.

## **ITEM NO. 2 PRESENTATION OF EMPLOYEE SERVICE PINS**

Police Chief Mike Brown introduced Dispatcher Cynthia Pena and Council Member Linda Martin presented her with a 5-year service pin. Cynthia introduced her daughter, Kiah Pena.

Police Chief Brown introduced Senior Police Officer Robert Provost and Council Member Donna Mickan presented him with a 5-year service pin.

Police Chief Brown introduced Public Service Officer Demetrie Washington, who introduced his Mom and Dad, Sandy and Johnny Hughes, and his sister, Bridgette. Council Member Perry Bynum presented Demetrie with a 5-year service pin.

Director of Public Works Ron Young introduced Leadman Greg Cameron. Greg introduced his wife, Karla, and Council Member Glenn Porterfield presented him with a 10-year service pin.

## **ITEM NO. 3 PRESENTATION OF PROCLAMATION AND 35 YEAR SERVICE PIN**

Police Chief Brown introduced Administrative Secretary Carol Agee of the Police Department and Carol introduced her daughter-in-law, Stacie Hembd. City Manager Gary McKamie read a proclamation congratulating her on her retirement and presented her with a 35-year service pin.

## **ITEM NO. 4. PRESENTATION OF TEXAS FESTIVALS AND EVENTS ASSOCIATION AWARDS**

Recreation Superintendent Michael Davenport stated that the City of Euless has received 47 awards from the Texas Festivals and Events Association (TFEA) since 1999. The mission of TFEA is to promote excellence in event programming, and he

reported that the City of Euless received the following awards for Arbor Daze from TFEA:

Best Organizational Newsletter – Euless Today Magazine  
Best Educational Program – Forestry Village  
Best Children’s Programming – Arbor Daze Kidz Zone  
Best Volunteer Program – Arbor Daze

#### **ITEM NO. 5. PRESENTATION OF QUARTERLY WASTEWATER REPORT**

Director of Public Works Ron Young presented the quarterly wastewater report and stated that calls for service have steadily declined over the last 6 or 7 years. He attributed the decline to the investment the City Council has made in the infrastructure of the City and the great job the Public Works Department employees do.

#### **CONSENT AGENDA**

Mayor Pro Tem Stinneford motioned to approve Consent Agenda Items numbered 6 through 9.

Council Member Mickan seconded the motion

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

Nays: None

Mayor Saleh declared the motion carried.

#### **ITEM NO. 6. AUTHORIZED MAYOR TO EXECUTE AGREEMENTS WITH THE CITY OF FORT WORTH**

Authorized Mayor to execute agreements with the City of Fort Worth for a Reclaimed Water Line Easement, a Reclaimed Water Line Temporary Construction Easement, and a Temporary Right of Entry related to the construction of the Village Creek reclaimed water project, located north of Mosier Valley Road and the railroad right-of-way on property owned by the City of Euless.

#### **ITEM NO. 7. APPROVED RESOLUTION NO. 09-1315**

Approved Resolution No. 09-1315 reappointing Kenneth C. Whitely and Tim Murphy as Municipal Court of Record Associate Judges for two (2) year terms, which will expire September 30, 2011.

#### **ITEM NO. 8. APPROVED ACCEPTANCE OF CAPITAL IMPROVEMENT ADVISORY COMMITTEE SEMI-ANNUAL IMPACT FEE REPORT FOR OCTOBER 1, 2008 - MARCH 31, 2009**

Accepted the Capital Improvements Advisory Committee Semi-Annual Impact Fee Report for the period of October 1, 2008 through March 31, 2009.

**ITEM NO. 9. APPROVED CITY COUNCIL MINUTES**

Approved the minutes of the regular City Council Meeting of June 23, 2009

**REGULAR AGENDA**

**ITEM NO. 10. APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1853**

Council Member Hogg motioned to approve the first and final reading of Ordinance No. 1853 approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division, regarding the Company's Rate Review Mechanism (RRM) filing in all cities exercising original jurisdiction.

Council Member Porterfield seconded the motion

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

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 11. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 09-05-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1854**

Mayor Saleh opened the public hearing at 7:35 p.m for Specific Use Permit No. 09-05-SUP for Al's Tires and Mowers, an automotive tire and mower repair on J P Halford Addition, Block D, Lot 7 in TX-10 (Texas Highway 10 Multi-Use District) zoning located at 116 West Euless Boulevard.

Planning and Development Director Chris Barker addressed the City Council and stated that Al Silva, representing Al's Tires and Mowers, is requesting a specific use permit for an automotive tire and mower repair shop where he intends to conduct a retail automotive tire and small engine (lawnmower) repair business. The site currently consists of an existing building and covered and screened outdoor storage to the rear of the building. The building most recently housed a retail outlet and has been unoccupied less than six months from the time of the application for the SUP, thereby allowing the existing structure to continue to be a legally existing, non-conforming structure. The proposed business would be a small operation in which all tire exchange, tire storage (new and used) and mower repair operations would be conducted interior to the building or within the screened and covered area to the rear of the structure. The property has adequate parking to accommodate the proposed use. Hours of operation are proposed to be from 8 am to 7 pm Monday through Friday and 9 am to 5 pm on Saturday. The business will be closed on Sunday. There is limited landscaping currently on the property. The property owner has proposed to install additional boxwood shrubs to the

front and clean up the maintenance of the areas containing existing turf on the property prior to the issuance of the certificate of occupancy.

Mr. Al Silva, 707 Allen Drive, Euless, Texas, requested the City Council approve his request for the specific use permit. There being no other proponents or any opponents, Mayor Saleh closed the public hearing at 7:40 p.m.

Council Member Martin motioned to approve the first and final reading of Ordinance No. 1854 for Specific Use Permit No. 09-05-SUP for Al's Tires and Mowers, an automotive tire and mower repair on J P Halford Addition, Block D, Lot 7 in TX-10 (Texas Highway 10 Multi-Use District) zoning located at 116 West Euless Boulevard with the following conditions: (1) The SUP would be tied to the owner of the business, Mr. Al Silva and the name of the business, Al's Tires and Mowers; (2) All tires stored on site, whether new or used, shall be screened from public view from the right-of-way and shall be stored under cover so as to not allow the collection of rainwater within the tires; (3) All repair of tires and mowers shall be conducted within the building or within the fenced area behind the building; (4) No outdoor storage would be allowed in front of the building; and (5) The term of the SUP shall be granted for one year.

Council Member Mickan seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 12. HELD PUBLIC HEARING REGARDING PLANNED DEVELOPMENT 09-01-PD AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1855**

Mayor Saleh opened the public hearing at 7:42 p.m for Planned Development No. 09-01-PD to change the zoning of Westpark Nursing Center Addition, Block A, Lot 1 and portions of James M. Matson Survey, A-1080, Tract 3D, located at 900 Westpark Way, from R-1 (Single-Family Detached Dwelling District) zoning to PD (Planned Development) zoning.

Planning and Development Director Chris Barker presented the zoning request to the City Council and stated that the applicant, Smithers Merchant Builder, LP, on behalf of Firehole River Real Estate Holdings-Euless, LP, represented by Mr. Tim Sullivan, is seeking approval of a Planned Development zoning change for 5.375 acres located at 900 Westpark Way. The property is currently zoned R-1 (Single Family Detached Dwelling District). A Site Plan (#09-03-SP) is currently under review by the Development Review Committee and will be brought forward for consideration pending the successful approval of the Planned Development zoning change. The applicant intends to construct a 14,371 square foot addition to the existing 36,432 square foot Legend Healthcare and Rehabilitation facility located on the property. The addition would consist of a single, one-story structure located on and connecting to the southern

side of the existing structure. It will expand the capacity of the existing skilled nursing center by 20 beds, bringing the total number of beds at the facility to 140. The project would contain all associated and required parking, landscaping, fire lanes and screening.

The existing skilled nursing facility, Legends Healthcare and Rehabilitation, is a legally existing non-conforming use in the present R-1(Single-Family Detached Dwelling District) zoning, because it was constructed prior to the adoption of the Unified Development Code and its associated zoning district regulations. In order for the applicant to expand the facility, rezoning of the property is required. The applicant has applied for a Planned Development zoning change specifically for a skilled nursing center. The Unified Development Code provides that the design standards for a Planned Development shall be set at the least intensive district in which the use is allowed. The least intensive district in which "Nursing and Personal Care Facilities" are allowed by Specific Use Permit is the R-3 residential zoning district, therefore staff has recommended that the design standards (setbacks, lot area) of the R-3 zoning district be applied to this PD zoning district.

Mr. Tim Sullivan, 4504 Briar Haven Road, Fort Worth, requested the Council approve the request for the Planned Development zoning change for the Legend Healthcare and Rehabilitation facility. There being no other proponents or any opponents, Mayor Saleh closed the public hearing at 7:48 p.m.

Council Member Bynum asked Mr. Sullivan if fire trucks have clearance for turnaround on the parking lot of the facility where the storage building is located. Mr. Sullivan confirmed that they did.

Council Member Bynum motioned to approve the first and final reading of Ordinance No. 1855 for Planned Development No. 09-01-PD to change the zoning of Westpark Nursing Center Addition, Block A, Lot 1 and portions of James M. Matson Survey, A-1080, Tract 3D, located at 900 Westpark Way, from R-1 (Single-Family Detached Dwelling District) zoning to PD (Planned Development) zoning with the stipulation that the applicant construct a masonry fence along the north property line.

Council Member Mickan seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

### **ITEM NO. 13. TABLED BOARD APPOINTMENTS**

Council Member Martin motioned to table the appointment of members of four positions on the Crime Control and Prevention District Board to the August 25, 2009, City Council meeting.

Mayor Pro Tem Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 14. HELD PUBLIC HEARING AND APPROVED CRIME CONTROL AND PREVENTION DISTRICT (CCPD) BUDGET FOR FISCAL YEAR 2009-2010**

Mayor Saleh opened the public hearing at 7:51 p.m. to receive comments on the Crime Control and Prevention District budget for Fiscal Year 2009-2010.

Finance Director Vicki Rodriguez stated that the Crime Control and Prevention District Board held a public hearing on June 8 and approved the Fiscal Year 2009-2010 budget. As required by law, this budget is now being presented to the City Council for approval. The baseline budget includes total revenue of \$1,722,065 which is derived from interest earnings and the quarter cent sales tax that was approved by the citizens of Euless to assist in crime prevention.

Baseline expenditures total \$1,719,913 and consist primarily of salaries and benefits for several police positions, \$50,246 for various crime prevention supplies, training, and minor apparatus as well as \$75,733 for the radio system. This budget also includes \$50,000 of recommended capital for continuation of the Part-time Public Service Officer program, and if approved, would provide an estimated ending fund balance of \$302,091, which exceeds the Board's recommended reserve level of 60 days of fund balance. The Crime Control and Prevention District Board recommended approval of all of these items.

There being no proponents or opponents, Mayor Saleh closed the public hearing at 7:53 p.m.

Council Member Porterfield motioned to approve the Crime Control and Prevention District budget for Fiscal Year 2009-2010.

Mayor Pro Tem Stinneford seconded the motion

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

Nays: None

Mayor Saleh declared the motion carried.

**ITEM NO. 15. SET PUBLIC HEARING FOR AUGUST 25, 2009 FOR PROPOSED CITY OF EULESS BUDGET FOR FY 2009-2010**

Council Member Bynum motioned to schedule a public hearing for August 25, 2009, at 7:00 p.m. in the City Council Chambers located in City Hall for the proposed City of Euleless annual Operating and Capital Budget for Fiscal Year 2009-2010, to allow citizens the opportunity to express their opinions concerning items of expenditure.

Council Member Hogg seconded the motion

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

Nays: none

Mayor Saleh declared the motion carried.

**ITEM NO. 16. PUBLIC COMMENTS**

There were no public comments.

**ITEM NO. 17. REPORTS****CITY ATTORNEY**

City Attorney Bob McFarland had no report.

**CITY MANAGER**

City Manager McKamie stated that on August 25, 2009, at 7:00 p.m., TXDOT (Texas Department of Transportation) will hold a public meeting concerning the reconstruction plans of SH 183 between North East Mall and the SH 121 cut-off. (The plans for the area of SH 183 east of SH121 to SH161 is still under the environmental review process.) If anyone is interested in examining the plans prior to that meeting, they are available in the City's Engineering Department. The meeting will be held at Campus West, across the street from the First Baptist Church on Industrial Boulevard.

**CITY COUNCIL**

Mayor Pro Tem Stinneford congratulated all the city employees for the great job they do every day and the Public Works Department for keeping the city lines in great working condition. He expressed how well the ArborDaze festival is run and congratulated the hard working citizens, staff and volunteers for always doing their best. He said he recently used the Library's service of reserving books on line and was impressed with the speedy way it was handled when he went to the check-out desk to get his book.

Council Member Hogg stated that he was impressed with the 47 awards the Parks Department has won for the ArborDaze festival. He complimented the Library for

offering outstanding entertainment such as the Polynesian dancers. He reported they had a record attendance of 161.

Council Member Martin expressed her heartfelt congratulations to Jim Ptomey for being recognized as Employee of the Month and Cynthia Pena, Robert Provost, Demetrie Washington and Greg Cameron for receiving their service pins. She expressed her appreciation for the work they do at the city. She stated that Carol Agee did a wonderful job for the Police Department and wished her great new adventures. She thanked the Parks department for the fabulous job they do with all the events, and especially returning ArborDaze to a small city event that it was years ago. She stated that Saturday afternoon the Library hosted an excellent performance by Brian Burns, who sang songs about Texas History and entertained young and old.

Council Member Mickan congratulated Jim Ptomey for being awarded Employee of the Month as well as all those who received service pins. She wished Carol Agee enjoyment in her retirement. She congratulated the Parks Department for receiving so many awards for ArborDaze. She stated that she enjoyed the wastewater report and was glad to hear how well the Public Works Department was doing.

Council Member Porterfield stated that he wanted to add his congratulations to those who were honored tonight as employee of the month, service pin recipients, ArborDaze awards and the Library and city staff. He stated that the staff and City Council worked several days reviewing next year's budget which begins October 1. He offered his heartfelt compliments to the city staff for the way they are managing the city through this difficult financial time, with a commitment to continue city services without increasing charges for services or the tax rate. He encouraged everyone to come to the next meeting to hear about the budget.

Council Member Bynum expressed his thanks to those in attendance tonight and especially our volunteers and staff. He stated that it takes a lot of work and sometime years to develop items such as the Reclaimed Water Line easement into an agreement between our city and Fort Worth that will pay huge dividends in the future. The citizens can look back on this program and be very proud of what was accomplished this year. He expressed appreciation for the amount of time staff members spend preparing zoning cases to be brought forward to the City Council, as well as other projects such as the flood control maps that the Engineering Department maintains. He recognized his wife, Lisa, who was present in the audience.

Mayor Saleh reported that US Congressman Kenny Marchant recently came to the Euless City Hall to present Presidential Volunteer Awards to 18 outstanding members of the Euless Citizens Police Academy Alumni Association. She invited all citizens present to return on August 25 for the presentation of the City's budget for the coming fiscal year.

#### **ITEM NO. 18. ADJOURNMENT**

Mayor Saleh adjourned the meeting at 8:07 p.m.

**APPROVED:**

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Mary Lib Saleh  
Mayor

**ATTEST:**

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Susan Crim, TRMC  
City Secretary