

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
Tuesday, August 28, 2012**

A regular meeting of the Euless City Council was called to order by Mayor Mary Lib Saleh at 4:00 p.m. on Tuesday, August 28, 2012, in the Precouncil Conference Room of City Hall, 201 North Ector Drive. Those present included Mayor Mary Lib Saleh, Mayor Pro Tem Perry Bynum, Council Members Tim Stinneford, Leon Hogg, Linda Martin, Donna Mickan, and Glenn Porterfield.

During the Precouncil meeting:

- Council Members Linda Martin and Glenn Porterfield announced that they attended the Community Waste Disposal (CWD) preview of environmental friendly trucks on August 15, 2012.
 - City Manager Gary McKamie announced the following:
 - Effective September 4, 2012, Animal Shelter operation hours will change to 9 a.m. to 6 p.m., Monday through Friday. The Saturday hours will remain unchanged; and
 - United States Postal Office hosting a direct marketing and mail service event for small businesses at the Library on August 29, 2012, 11 a.m.
 - Information Services Administrator Dan McLain demonstrated Access Euless, a web-based inquiry system that will be available to citizens on September 4, 2012. He stated the system will be available 24 hours a day, seven days a week, and will allow the public to obtain answers to common questions, submit concerns, and provide other helpful information.
 - Director of Planning and Economic Development Mike Collins provided the development update, including current retail occupancy, and new and expanded commercial development.
 - Director of Public Works and Engineering Ron Young presented an update related to the City's response to the West Nile Virus. He advised that the City's efforts include city-wide spraying along with the placement of larvicide and minnows in stagnant water. Mr. Young advised that the number of new cases is down and has been declining.
- Mayor Pro Tem Perry Bynum suggested that preventive measures be a discussion topic at the Town Hall meeting as well as the Water Conservation Forum.
- Director of Public Works and Engineering Young advised that the Tarrant Regional Water District (TRWD) storage capacity is at 86 percent.
 - Director of Parks and Community Services Ray McDonald presented an end of summer report related to the Parks and Community Services Department. He reported on the number of visitors at the City pools, an assortment of camps that were offered, and the lifeguard certification and learn to swim program.

- Finance Director Vicki Rodriguez presented the financial report for the period ending July 31, 2012, and advised of an upcoming bond refunding opportunity.

City Manager McKamie reported that Trinity River Authority (TRA) has advised that the City may owe an additional amount of approximately \$200,000, based on system usage. TRA is expected to notify the City at the end of their fiscal year and payment will be due in May/June 2013.

- City Manager McKamie provided a transportation update related to the North Tarrant Express construction at Industrial Boulevard and State Highway 183 (SH 183).
- City Manager McKamie reviewed the regular agenda items.

Mayor Saleh recessed the meeting at 5:59 p.m. and reconvened at 6:14 p.m.

CLOSED SESSION

The City Council convened into closed session at 6:15 p.m. for deliberation regarding the following:

Legal advice from the City Attorney as authorized by Section 551.071 of the Texas Government Code related to:

- 311 S. Industrial Boulevard

The City Council recessed closed session at 6:46 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 consideration of scheduled items.

STAFF MEMBERS PRESENT

City Manager Gary McKamie
Deputy City Manager Loretta Getchell
Assistant City Manager Chris Barker
City Attorney Wayne Olson
City Secretary Kim Sutter
Assistant to the City Secretary Holly Houston
Police Chief Mike Brown
Director of Planning and Economic Development Mike Collins
Director of Parks and Community Services Ray McDonald
Fire Chief Wes Rhodes
Finance Director Vicki Rodriguez
Director of Public Works and Engineering Ron Young
Texas Star General Manager Glenda Hartsell-Shelton
Human Resources/Risk Administrator Carolyn Marshall
Fleet and Facility Administrator Kyle McAdams

Information Services Administrator Dan McLain
 Computer Support Specialist II Brett Bennett
 Parks Superintendent Terry Boaz
 Senior Planner Stephen Cook
 Parks Construction/Landscape Foreman Dan Dearborn
 Field Tech III Derrick Fennell
 Police Captain Gary Landers
 Assistant Director of Finance Jackie Theriot
 Police Sergeant Brandon Zachary

VISITORS

Xuesona Bai	Marquis Fennell	Brandon Rhodes
Lisa Bynum	Michael Fennell	Courtney Rhodes
Mark Compton	Ernie Flores	Carroll "Scotty" Scott
Linda Eilenfeldt	Kim Henry	Maui Smith
Cody Fennell	Tom Hoover	Barney Snitz
Erica Fennell	Joe Mapes	Jake Thomasson
Gwen Fennell	Randell Mickan	Peggy Vandiver
Koby Fennell	Charlie Miller	

And others as noted in the visitor register.

INVOCATION

Police Chief Mike Brown 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 SEPTEMBER

Director of Parks and Community Services Ray McDonald introduced Field Tech III Derrick Fennell. Derrick was accompanied by his wife, Erica, sons, Cody, Koby, and Michael, his mother, Gwen, mother-in-law, Kim Henry, nephew, Marquis, sister-in-law, Courtney Rhodes, brother-in-law, Brandon Rhodes, and members of the Parks and Community Services Department.

Mayor Saleh presented Derrick with a plaque and certificate commemorating his selection as employee of the month for September 2012.

ITEM NO. 2. PRESENTATION OF PROCLAMATION

Mayor Saleh presented Police Chief Mike Brown with a proclamation proclaiming September 19, 2012, as "Texting & Driving – It Can Wait Day".

ITEM NO. 3. PRESENTATION OF QUARTERLY PUBLIC WORKS REPORT

Director of Public Works and Engineering Young presented the quarterly Public Works report which included the following items:

- Replacement of pipe culvert on South Pipeline Road;
- Update on the water well;
- Reclaimed water line from State Highway 183 to Midway along Bear Creek Parkway;
- TRA Water storage capacity is at 86 percent;
- Upcoming overlay, sidewalk, and ramp construction;
- Concrete pavement replacement;
- Completion of Ash Lane water and sewer lines;
- Roadway projects within Glade Parks;
- Relocation of utility poles at Harwood Road; and
- Wastewater calls received.

CONSENT AGENDA (items 4 through 7)

Council Member Martin motioned to approve the Consent Agenda items number 4 through 7.

Council Member Hogg seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 4 AWARDED RFP NO. 016-12

Awarded RFP No. 016-12 for reinsurance coverage for the City's health insurance program for October 1, 2012, to September 30, 2013, to ING Employee Benefits, 2900 North Loop West, Suite 180, Houston, Texas, 77092, for specific stop loss coverage. The estimated expenditure is \$345,672.96.

ITEM NO. 5. APPROVED RESOLUTION NO. 12-1392

Approved Resolution No. 12-1392, authorizing the City Manager to enter into an Interlocal Agreement with the Texas Department of Transportation (TXDOT) to enable the Euless Police Department to be a participant in the statewide Crash Reporting and Analysis for Safer Highways (CRASH) system.

ITEM NO. 6. RATIFIED EULESS DEVELOPMENT CORPORATION ACTION TAKEN ON AUGUST 28, 2012

Ratified Euless Development Corporation action taken on August 28, 2012, approving Bid No. 015-12 to award a contract to Reliable Paving, Inc., 1903 Peyco, Arlington, Texas,

76001, for parking improvements at the Parks at Texas Star. The estimated expenditure is \$494,823.

ITEM NO. 7. APPROVED CITY COUNCIL MINUTES

Approved City Council minutes of the regular meeting of August 14, 2012.

REGULAR AGENDA

ITEM NO. 8. APPROVED RESOLUTION NO. 12-1395

Mayor Pro Tem Bynum motioned to approve Resolution No. 12-1395, authorizing the Zoning Board of Adjustments to initiate amortization proceedings for the property located at 311 S. Industrial Boulevard (Shadow Creek Apartments) for the purpose of discontinuing the nonconforming use by a date certain.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 9. HELD A PUBLIC HEARING FOR EULESS DEVELOPMENT CORPORATION (EDC) BUDGET FOR FY 2012-2013

Mayor Saleh opened the public hearing at 7:19 p.m.

Director of Finance Vicki Rodriguez presented the proposed Fiscal Year 2012-2013 Euleless Development Corporation (EDC) Budget.

Beginning Fund Balance (Estimated)		\$1,702,448
Operating Revenues		\$3,713,616
Operating Expenditures		
Parks	\$1,160,723	
Library	\$ 960,008	
Economic Development	\$ 282,507	
Bank Charges/Debt Service/Audit	\$ 908,414	
Contingency	\$ 50,000	
Sales Tax Rebate/Job Creation/Training Incentive	\$ 152,974	
Operating Expenditures		(\$3,514,626)
Capital Expenditures		(\$ 694,304)
Ending Fund Balance (Projected)		<u>\$1,207,134</u>

She stated that the Euleless Development Corporation Board of Directors met on August 13, 2012, and recommended approval of the proposed budget for Fiscal Year 2012-2013. If

approved as presented, the ending fund balance of \$1,207,134 will exceed the Board's recommended minimum reserve level of \$500,000. Additionally, she explained that the proposed capital expenditures include a carryover of \$307,804 to complete projects approved in prior years that have not yet been completed.

There being no proponents or opponents wishing to speak, Mayor Saleh closed the public hearing at 7:24 p.m.

ITEM NO. 10. APPROVED EULESS DEVELOPMENT CORPORATION (EDC) BUDGET FOR FY 2012-2013

Council Member Stinneford motioned to approve the Euleless Development Corporation (EDC) Budget for Fiscal Year 2012-2013.

Council Member Hogg seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 11. HELD A PUBLIC HEARING FOR CITY OF EULESS FY 2012-2013 OPERATING AND CAPITAL BUDGETS

Mayor Saleh opened the public hearing at 7:25 p.m.

Finance Director Rodriguez presented the proposed City of Euleless Fiscal Year 2012-2013 Operating and Capital Budget. She advised that the total revenues for all operating funds are projected at \$93.2 million, and include funding from a variety of revenue sources. Expenditures total \$97.8 million, which includes annual debt service payments, personnel cost, utilities, supplies, maintenance, incentives, capital and other administrative costs. Additionally, the proposed budget includes recommended capital expenses of \$7.2 million that are being funded from cash reserves. Additionally, she stated the proposed aquatic facilities at the Euleless Family Life Center will be fully funded through cash reserves, and the outdoor component is expected to open Memorial Day 2013 and the indoor component is expected to open prior to Thanksgiving 2013.

Mayor Saleh asked to hear from anyone wishing to speak regarding the proposed budget.

Joe Mapes, 504 N. Main Street, Euleless, thanked the City Council and staff for their openness, transparency, and conservative fiscal management and for the overall quality of the operations within the City. He requested that the City Council hold salary and benefits for employees at the current level due to his view of disparity between public and private (small businesses) sector employees and questioned what he believes is an inconsistency in the budget with regard to the proposed salary increases and overall cost to the City. Additionally, he requested that citizens and taxpayers be given more opportunities to

participate in the budget process prior to the adoption of the budget, and requested that the City Council delay budget additions to allow for additional input from taxpayers and citizens.

There being no additional proponents or opponents wishing to address the City Council, Mayor Saleh closed the public hearing at 7:43 p.m.

ITEM NO. 12. APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1964 ADOPTING THE CITY OF EULESS OFFICIAL OPERATING AND CAPITAL BUDGETS FOR FY 2012-2013

Council Member Hogg motioned to approve Ordinance No. 1964, adopting the City of Euleless Official Operating and Capital Budget for Fiscal Year 2012-2013.

Council Member Stinneford seconded the motion.

City Manager McKamie addressed Mr. Mapes concern regarding his perceived inconsistency related to salary increases and cost to the city, stating that it is possibly due to the addition of two police officers, including benefits.

Council Member Stinneford stated that the City cannot be compared to a small business as the City employs over 350 employees and operates on a \$32 million budget. He stated that Euleless employees were not given raises during the downturn in the economy, and that the City strives to be competitive in pay with surrounding cities.

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

Nays: None

Mayor Saleh declared the motion carried.

Mayor Saleh advised that budget discussions occur at meetings throughout the year and are posted and open to the public.

ITEM NO. 13. RATIFIED THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FY 2012-2013 BUDGET

Mayor Pro Tem Bynum motioned to ratify the property tax revenue increase reflected in the Fiscal Year 2012-2013 budget.

Council Member Martin seconded the motion.

Mayor Pro Tem Bynum noted that the property tax rate has remained the same since the 2007 tax year, and the increase will only affect property owners whose appraised property value have increased.

City Manager McKamie advised that a sizable portion of the increased revenue is due to new development in the City.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 14. HELD PUBLIC HEARING FOR PROPOSED TAX RATE

Mayor Saleh opened the public hearing at 7:51 p.m.

Finance Director Rodriguez presented the proposed ad valorem tax rate of \$0.4700 per \$100, assessed value for tax year 2012. She added that the tax rate has remained unchanged since the 2007 tax year, and that there will be another public hearing for the proposed tax rate on Tuesday, September 4, 2012, at 7:00 p.m. in the City Council Chamber, 201 N. Ector Drive, Euless, Texas.

There being no proponents or opponents, Mayor Saleh closed the public hearing at 8:00 p.m.

ITEM NO. 15. ANNOUNCED THE DATE, TIME AND PLACE OF VOTE ON TAX RATE

Mayor Saleh announced that the vote on the tax rate will take place on Tuesday, September 11, 2012, at 7:00 p.m. in the City Council Chambers, 201 N. Ector Drive, Euless, Texas.

ITEM NO. 16. APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1963

Joe Mapes, 504 N. Main Street, Euless, requested that the passage of Ordinance No. 1963 be tabled to allow further discussion. He stated that the change to the rates appear to produce additional revenue based on various components. He presented cost comparisons of 2012 rates for residential and commercial customers, and stated that he feels that the commercial customer pays a higher percentage for both water and wastewater as opposed to residential customers, essentially subsidizing residential customers.

City Manager McKamie stated that commercial and residential customers actually pay the exact same wastewater rate with the exception that the residential customer has a cap. Mr. McKamie advised that, in accordance with the the City's ordinance, commercial and industrial customers who show proof that a significant portion of metered water does not enter the wastewater system shall not be billed for that portion that does not enter the wastewater system. At that point, the City can consider reducing the wastewater charge. Additionally, Mr. McKamie advised that the excess fund balance generated by the water and wastewater rates is utilized to fund capital projects to maintain and perform system expansion.

Mayor Pro Tem Bynum motioned to approve Ordinance No. 1963, amending the City of Euless Code of Ordinances, Chapter 30, "Fees", Section 30-35 "Water and Wastewater Service-Monthly Rates" and Section 30-37 "Monitored Group Class".

Council Member Martin seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 17. HELD PUBLIC HEARING AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1965

Mayor Saleh opened the public hearing at 8:10 p.m.

Finance Director Rodriguez introduced the item and stated that based on the amortization schedule of the debt service for improvements related to the Glade Parks Public Improvement District (PID), an assessment in the amount of \$0.591051 per \$100 of assessed value is necessary for Fiscal Year 2012-2013. Additionally, a service and assessment plan was provided that reflects the anticipated assessments for a five year period.

Mayor Saleh asked to hear from any proponents of the case.

Charlie Miller, 608 Creekside Drive, Euless, requested clarification as to the boundaries of the PID and asked if the assessment is to be paid by the current owner.

City Manager McKamie stated that the PID includes property south of SuperTarget and Heritage Town Crossing and extends south to Cheek-Sparger Road and is bounded on the west by Heritage Avenue and on the east by the State Highway 121 frontage road. Additionally, Mr. McKamie advised that the PID was established at the request of the current property owner and the assessment will be paid by the current owner.

Mayor Saleh asked to hear from any opponents of the item. There being none, Mayor Saleh closed the public hearing at 8:14 p.m.

Council Member Porterfield motioned to approve Ordinance No. 1965, approving the levy of a special assessment for the Glade Parks Public Improvement District (PID) at \$0.591051 per \$100 value of real property and approving the service and assessment plan.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 18. HELD PUBLIC HEARING FOR ZONING CHANGE CASE NO. 12-02-ZC AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1966

Mayor Saleh opened the public hearing at 8:15 p.m.

Director of Planning and Economic Development Collins presented the case to the City Council, and advised that the applicant, LHL Management, is seeking a zoning change of 0.836 acres out of the John Groves Survey, Abstract No. 599, south of W. Euless Boulevard. He stated that Ferguson Enterprises is seeking to expand their outdoor storage area for their regional plumbing supply store, and in order to expand the zoning needs to be changed from Texas Highway 10 Multi-Use District (TX-10) to Light Industrial District (I-1). Additionally, the Planning and Zoning Commission recommended approval of the zoning change on August 7, 2012.

Mayor Saleh asked to hear from any proponents of the case.

Tom Hoover, representing the applicant, 420 Johnson Road, Keller, stated that if the zoning change was approved, the applicant would bring forth a site plan showing enhanced landscaping.

Mayor Saleh asked for any opponents of the case. Seeing none the public hearing was closed at 8:20 p.m.

Council Member Mickan motioned to approve Ordinance No. 1966 for a request of a zoning change of 0.836 acres of John Groves Survey Abstract No. 599 from Texas Highway 10 Multi-Use District (TX-10) zoning to Light Industrial District (I-1) zoning.

Council Member Hogg seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 19. APPROVED SITE PLAN NO. 12-03-SP

Director of Planning and Economic Development Collins presented the case to the City Council, and advised that the applicant, Ling Liang, is seeking to remodel the existing structure at 314 S. Industrial Boulevard (former Pizza Hut) to allow a drive-thru operation for the proposed establishment, Wok Xpress. Additionally, the Planning and Zoning Commission recommended approval of the Site Plan on August 7, 2012.

Council Member Martin motioned to approve Site Plan No. 12-03-SP for Commercial Development proposed to be located on Bell Ranch Terrace Addition, Block 4, Lot 17R, 314 S. Industrial Boulevard.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 20. PUBLIC COMMENTS

Mr. Miller stated that he felt police enforcement should be more active in addressing blocked sidewalks in the south portion of the City, and the City Council might consider adoption of an ordinance that limits the number of vehicles allowed to be parked in a driveway.

ITEM NO. 21. REPORTS

City Attorney

No report given.

City Manager

City Manager McKamie recognized and welcomed Ernie Flores, owner of the Chick-Fil-A franchise in Euless, to the meeting.

City Council

Mayor Pro Tem Bynum commended staff for their work, and stated he appreciated Mr. Mapes voicing his concerns.

Mayor Saleh thanked the volunteers who participated in handing out over 4,000 backpacks for underprivileged children on August 18 and August 25, 2012.

ITEM NO. 22. ADJOURN

Mayor Saleh adjourned the meeting at 8:33 p.m.

APPROVED:

ATTEST:

Mary Lib Saleh
Mayor

Kim Sutter, TRMC
City Secretary