

**MINUTES OF A REGULAR MEETING
OF THE
EULESS CITY COUNCIL
Tuesday, November 27, 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, November 27, 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, and Glenn Porterfield. Council Member Donna Mickan was unable to attend.

During the Precouncil meeting:

- Mayor Pro Tem Perry Bynum announced that the Trinity High and Southlake High School's playoff game will be at Birdville stadium on December 1, 2012, at 6 p.m.
- Deputy City Manager Loretta Getchell announced that the annual Christmas Parade of Lights will be held on December 1, 2012, at 6:30 p.m.
- Police Chief Mike Brown announced that a memorial ceremony will be held November 28, 2012, at 9 a.m. at the 911 Memorial in recognition of the 30th anniversary of the passing of Police Patrolman Michael Ray Williamson who was killed when his patrol car was struck head-on by a drunk driver while he was on patrol.
- Library Administrator Kate Lyon announced that Joe Nick Patoski's, author of *The Dallas Cowboys*, will conduct a book signing on December 17, 2012, at 7 p.m. at the Euless Public Library.
- Deputy City Manager Getchell announced the following:
 - Texas Star Member Brunch, December 2, 2012;
 - Community Powered Revitalization (CPR) 100th house celebration, December 5, 2012, 4 to 6 p.m. at City Hall;
 - Historical Preservation Committee meeting, December 10, 2012, 10 a.m. and holiday luncheon at 11 a.m.;
 - Heritage Park Christmas, December 8, 2012, 1 to 5 p.m.; and
 - Texas Star Golf Course parking lot restriping.
- Director of Parks and Community Services Ray McDonald addressed the City Council regarding the proposed aquatics center, recreation and rental fees, and proposed that the fees be removed from the City's Code of Ordinances to allow staff the flexibility to adjust the fees accordingly.

The City Council raised no objections to allowing staff the flexibility to establish and adjust the fees as needed.
- Police Technical Service Manager Gary Gregg addressed the City Council regarding the status of the public safety radio upgrade, including delivery, installation, and coverage acceptance testing.

- Director of Planning and Economic Development Mike Collins and City Attorney Wayne Olson addressed the City Council regarding the proposed amortization of 311 South Industrial Boulevard (Shadow Creek Apartments).
- Director of Planning and Economic Development Collins presented the development update, including residential and commercial development.
- Director of Public Works and Engineering Ron Young presented the water update. He advised that the Tarrant Regional Water District (TRWD) storage capacity is at 79 percent. He stated that if the conservation pool reached 75 percent, Stage 1 watering restrictions would be activated.
- Finance Director Vicki Rodriguez provided a financial update for the period ending September 30, 2012.
- Deputy City Manager Getchell reviewed the regular agenda items.

CLOSED SESSION

The City Council convened into closed session at 6:05 p.m. for deliberation regarding the following:

Personnel matters as authorized by Section 551.074 related to of the Texas Government Code related to:

- Municipal Court Judge Evaluation

The City Council recessed closed session at 6:40 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

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
Marketing/Communications Manager Betsy Deck
Texas Star General Manager Glenda Hartsell-Shelton
Library Administrator Kate Lyon

Fleet and Facility Administrator Kyle McAdams
Information Services Administrator Dan McLain
Computer Support Specialist II Brett Bennett
Senior Planner Stephen Cook
Police Captain Gary Landers

VISITORS

Lisa Bynum
Iris Elliott
Darl Easton

Eddie Eckart
Linda Eilenfeldt
Don Horton

Carroll "Scotty" Scott
Joe Williams

And others as noted in the visitor register.

INVOCATION

Police Chief 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 DECEMBER

The presentation to Senior Police Officer Rafael Suarez for employee of the month for December 2012, was not made during the meeting as Rafael was unable to attend.

ITEM NO. 2. PRESENTATION OF FINANCIAL REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2012

Finance Director Rodriquez presented the financial report for the fiscal year ending September 30, 2012.

Council Member Stinneford recognized Finance Director Rodriquez and city staff for their efforts on maintaining the City budget.

CONSENT AGENDA (items 3 and 4)

Mayor Pro Tem Bynum motioned to approve the Consent Agenda items number 3 and 4.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 3. AWARDED BID NO. 003-13

Awarded Bid No. 003-13 for an annual contract for the purchase of plant protectants and fertilizers for the Texas Star Golf Course, The Parks at Texas Star, and many City Parks to:

- 1) Winfield Solutions - Fungicide items #2 and 3; Herbicide items #2, 4, 5, and 6; Insecticide items #2 and 3; and Other item #2;
- 2) Agrium Advanced Technologies - Other item #3;
- 3) BWI Companies, Inc. - Herbicide items #1 and 3; Insecticide item #1 and 4; and Other item #4; and
- 4) Helena Chemical Company - Fungicide items #1; Herbicide items #7, 8, and 9; and Other item #1.

The total estimated expenditure is \$117,000.

ITEM NO. 4. APPROVED CITY COUNCIL MINUTES

Approved City Council minutes of the regular meeting of November 13, 2012.

REGULAR AGENDA**ITEM NO. 5. HELD PUBLIC HEARING AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1976**

Mayor Saleh opened the public hearing at 7:15 p.m., and asked to hear from any proponents followed by opponents of the case. There being none, Mayor Saleh closed the public hearing at 7:16 p.m.

Council Member Hogg motioned to approve Ordinance No. 1976, amending Chapter 84 "Unified Development Code", of the Code of Ordinances by regulating tobacco products stores; amending Article I, "General Provisions", Section 84-7, "Definitions and word usage"; Article IV, "Zoning District Regulations", Section 84-84 "Permitted uses table" and Section 84-85 "Special conditions by use type" as presented with the following amendment: remove the term "cigar stores" (on page 2) from the definition of tobacco products stores.

Council Member Stinneford seconded the motion.

Deputy City Manager Getchell advised that the proposed modification to the Unified Development Code will provide a specific definition for tobacco products stores, establish locations for those uses to be permitted in, and to identify conditions in which the uses must comply with in order to be permitted. Additionally, the Planning and Zoning Commission held a public hearing on November 6, 2012, and recommended approval of the ordinance.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 6. HELD PUBLIC HEARING FOR ZONING CHANGE CASE NO. 12-03-ZC AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1980

Mayor Saleh opened the public hearing at 7:17 p.m.

Director of Planning and Economic Development Collins presented the item to the City Council. He advised that Ordinance No. 1960 was approved on July 24, 2012, and approved the rezoning of 6.25 acres along East Eules Boulevard (SH 10) from Texas Highway 10 Multi-Use District (TX-10) to a Planned Development (PD). The ordinance required construction activity to begin on the project within 270 days from the effective date of the ordinance. The applicant, Churchill Development, was not able to secure the necessary federal tax credit financing through the Texas Department of Housing and Community Affairs in order to move forward with the development project. Therefore, they will not be able to meet the 270 day construction requirement, allowing the City Council to reconsider the zoning change and reverse the change back to TX-10. Additionally, the Planning and Zoning Commission held a public hearing on November 20, 2012, and recommended approval of Ordinance No. 1980.

Mayor Saleh asked to hear from any proponents followed by opponents of the case. There being none, Mayor Saleh closed the public hearing at 7:19 p.m.

Council Member Porterfield motioned to approve Ordinance No. 1980 related to a request for a zoning change of the property situated in the Andrew J. Huitt Survey, Abstract No. 708, being a portion of Commercial Tract A, Block 1, Oak Crest Estates from Planned Development (PD) into Texas Highway 10 Multi-Use District (TX-10) zoning.

Mayor Pro Tem Bynum seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 7. HELD PUBLIC HEARING FOR SPECIFIC USE PERMIT NO. 12-15-SUP AND APPROVED FIRST AND FINAL READING OF ORDINANCE NO. 1979

Mayor Saleh opened the public hearing at 7:20 p.m.

Director of Planning and Economic Development Collins presented the item to the City Council, and advised that the applicant, Teen Collections d.b.a. Plato's Closet, is seeking a Specific Use Permit for retail store for used merchandise in the 121 Gateway District (TX-121) zoning to be located at 1301 West Glade Road, Suite 210. Additionally, the Planning

and Zoning Commission held a public hearing on November 20, 2012, and recommended approval of the Specific Use Permit with the following conditions:

- 1) Tied to the business name Teen Collections, L.L.C. d.b.a. Plato's Closet; and,
- 2) Tied to the business owner, Joe Williams.

Council Member Stinneford advised that he filed a conflict of interest affidavit with the City Secretary's Office and will not participate in the discussion or the vote for this item.

Joe Williams, business owner and applicant, 3508 Sentinel Oaks Road, Flower Mound, addressed the City Council and stated that he was available to answer questions regarding the request.

Mayor Saleh asked to hear from any proponents followed by opponents of the case. There being none, Mayor Saleh closed the public hearing at 7:22 p.m.

Council Member Martin motioned to approve Ordinance No. 1979 for a request for a Specific Use Permit in Heritage Towne Crossing, Block B, Lot 1 for a Retail Store for Used Merchandise in the 121 Gateway District (TX-121) zoning at 1301 West Glade Road, Suite 210, with the conditions presented and recommended by the Planning and Zoning Commission.

Council Member Hogg seconded the motion.

Mayor Pro Tem Bynum thanked Mr. Williams for his support of the local high schools.

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

Nays: None

Abstentions: Council Member Stinneford

Mayor Saleh declared the motion carried.

ITEM NO. 8. APPROVED SITE PLAN NO. 12-10-SP

Director of Planning and Economic Development Collins presented the item to the City Council, and advised that the applicant, Conifer Real Estate, is seeking to construct a drive through restaurant (DQ Grill and Chill) within the 600 block of North Industrial Boulevard. Additionally, the Planning and Zoning Commission recommended approval of the site plan on November 20, 2012.

Council Member Martin motioned to approve Site Plan No. 12-10-SP for Commercial Development proposed to be located on Rose Addition, Block A, Lot 1, out of the J. P. Halford Survey, Abstract No. 711, 600 block of North Industrial Boulevard.

Council Member Stinneford seconded the motion.

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

Nays: None

Mayor Saleh declared the motion carried.

ITEM NO. 9. PUBLIC COMMENTS

Darl Easton, 1005 Fayette Drive, Euless, recognized City Secretary Kim Sutter for her efforts with assisting voters on election day at the Euless Public Library polling site, and feels that additional election notification should be provided to voters. Additionally, he advised of the method utilized by the City of Bedford to permit citizens to address the City Council during City Council meetings and allow for dialogue with the City Council.

Eddie Eckart, 2405 Mustang Drive, Grapevine, Professional Engineer with Goodwin and Marshall, Inc., recognized Director of Planning and Economic Development Collins and Senior Planner Stephen Cook for their quick response and professionalism throughout the site plan process related to the DQ Grill and Chill restaurant to be located within the 600 block of North Industrial Boulevard (Item No. 8).

ITEM NO. 10. REPORTS

City Attorney

No report given.

City Manager

No report given.

City Council

No report given.

ITEM NO. 11. ADJOURN

Mayor Saleh adjourned the meeting at 7:36 p.m.

APPROVED:

ATTEST:

Mary Lib Saleh
Mayor

Kim Sutter, TRMC
City Secretary