



# City of Rowlett Meeting Minutes City Council

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6109 or write PO Box 99, Rowlett, Texas, 75030-0099, at least 48 hours in advance of the meeting.*

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Tuesday, May 6, 2008

5:30 PM

Municipal Building - 4000 Main Street

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As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

## 1. CALL TO ORDER

*Mayor Pro Tem Rushing called the meeting to order at 5:30 p.m.*

**Excused:** Mayor Harper and Councilmember Mays

**Present:** Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto and Mayor Pro Tem Rushing

## CONVENE INTO EXECUTIVE SESSION

*The City Council convened into closed session at 5:30 p.m.*

## 2. EXECUTIVE SESSION

- 2.-A. The City Council shall convene into executive session pursuant to §551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney regarding the upcoming special election under Chapter 143, Texas Local Government Code, and the State Civil Service Statutes. (10 minutes)
- 2.-B. The City Council shall convene into executive session pursuant to §551.071 of the TEXAS GOVERNMENT CODE for consultation with the City Attorney and under §551.072 regarding possible right-of-way acquisitions and funding options with Dallas Area Rapid Transit (DART). (10 minutes)
- 2.-C. The City Council shall convene into executive session pursuant to §551.071 and §551.072 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney and to discuss the bid, auction, or sale of city owned property located between Kirby Road and Rowlett Road. (10 minutes)

- 2.-D. The City Council shall convene into executive session pursuant to §551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney regarding the Kirby Road Elevated Water Storage Tank. (5 minutes)
- 2.-E. The City Council shall convene into executive session pursuant to §551.071 and §551.072 of the TEXAS GOVERNMENT CODE to discuss with the City Attorney potential litigation, real property deliberations and acquisition of property to wit: Elgin B. Robertson Park. (5 minutes)
- 2.-F. The City Council shall convene into executive session pursuant to §551.071 of the TEXAS GOVERNMENT CODE to seek legal advice regarding the terms of an Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation concerning the Eastern Extension of the President George Bush Turnpike / State Highway 190. (5 minutes)
- 2.-G. The City Council shall convene into executive session pursuant to §551.071 and §551.072 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney regarding North Texas Municipal Water District Contract. (10 minutes)

### RECONVENE INTO OPEN SESSION

*The City Council reconvened into open session at 6:12 p.m.*

### 3. WORK SESSION ITEMS (6:00 P.M.)

*Mayor Pro Tem Rushing announced that Mayor Harper and Councilmember Mays would be absent from the meeting.*

#### 3.-A. Joint meeting with Animal Shelter Advisory Committee. (15 minutes)

*Dr. Lori Trahan, Chair of the Animal Shelter Advisory Committee, introduced the members of the Committee that were in attendance. Dr. Trahan briefly went over the history of the Animal Shelter and operating statistics such as pet adoptions, bite incidents, and generated revenue.*

*Spoke regarding the accomplishments of the Committee; the sterilization program; the wellness and rabies vaccine clinics; the new surgical suite; the Community Service Training Program; and over 12,000 community service hours have been donated.*

*Spoke regarding the goals and objectives for 2008 and various other issues.*

*Council questioned staff regarding the number of animal pickups and service calls; the response from Channel 16 with the adoption of pets; the percentage of euthanasia; how one can volunteer their time; tethering an animal; participation at the Festival of Freedom.*

*Staff answered Council's questions.*

*Council stated they would like to see the Committee working back towards a monthly meeting schedule.*

**3.-B. Update from the Mayor. (5 minutes)**

*The update from the Mayor was not presented.*

**3.-C. Update from the City Manager. (15 minutes)**

*Craig Owens brought forth a PowerPoint presentation for the City Manager's Update. Results for Rowlett: Report on Progress and Activities.*

*Top Priorities*

- *Neighborhood Quality*
- *Economic Development*
- *Culture and Recreation*
- *Environment*
- *Transportation*
- *Public Safety*

*Neighborhood Updates*

- *Neighborhood Quality*
- *To provide neighborhood-based services to the residents of Rowlett, in order to protect the value, appeal, and quality of homes and businesses in our community.*
- *Top 5 violations (Tier 1) - Closed Issues January thru April*
- *PID meetings were held at 3 locations*
  - *City staff contacted approximately 4,000 residents (by letter) of various subdivisions*
    - *What is a PID*
    - *How is a PID established*
    - *What level of funding is available*
  - *23 residents attended the 3 neighborhood meetings*
  - *PID program brochures are now available*
- *Animal Services*
  - *Rowlett Animal Shelter will participate with the North Shore Animal League of America*
    - *14th Annual Pet Adopt-A-Thon*
    - *Saturday ~ May 3 ~ 10AM - 5 PM*
  - *Low-Cost Rabies Vaccination Clinic*
    - *Saturday ~ May 17 ~ 2:30 - 4:30 PM*
    - *\$5 per cat or dog*

*Economic Development*

- *To provide economic development services to our existing businesses, prospective business and community, in order to attract investment to the City of Rowlett, and to promote a sustainable, vibrant economy.*
- *Economic Development Update*
  - *Working with local business to add 25,000 sf and 25 new employees*
  - *Met with Capital CDC regarding SBA Loan Program for local businesses*
  - *Working with local restaurant on possible expansion*
  - *Meeting with representatives from State Senator Bob Deuell's office*
  - *Hosted representatives from various commercial real estate firms*
  - *Continue to work with a developer on waterfront development*

- *Met with a representative from a higher education institution*
- *Certificate of Occupancy ~ Lux Nails, Palm Beach Tan, Service Contractors, Full Throttle Inc.*
- *National Tire & Battery, Goodyear, Target pad sites ~ underground plumbing in, slabs poured, walls going up*
- *The following pre-submittal meetings were held:*
  - *Southeast corner of Lakeview Parkway and Dalrock Road*
    - *Proposed 55,000 - 60,000 s.f. of retail with possible junior anchor adjoining existing vacant Super 1 building*
    - *Several prospective clients on standby, including two restaurants (names undisclosed by applicant)*
    - *Property is currently under contract*
  - *8100 Lakeview Parkway*
    - *Proposed 10,000 s.f. retail/restaurant/bank with drive-thru*
    - *Restaurant tenant confirmed (name undisclosed by applicant)*

#### *Culture and Recreation*

- *To provide cultural, entertainment and recreation services to the residents, businesses, and visitors of the City of Rowlett, in order to encourage a healthy, active community.*
- *Culture and Recreation Update*
  - *Parks/Recreation Opportunities*
    - *New Water Wars attraction installed at Wet Zone*
    - *Hosted the Annual Fishing Day Event on Saturday, March 29 at Springfield Park*
      - *Texas Junior Anglers and Texas Parks and Wildlife stocked the pond*
      - *Total of 103 youngsters, ages 6-14, participated in the event*
      - *Awards were distributed for the biggest fish caught (each age group)*
      - *Yes, a 19" catfish was the largest caught!*
    - *Registration began May 1*
      - *Summer Skyhawks Sports Camps*
      - *Dallas Mavericks Summer Basketball Camp*
      - *Summer Coed Volleyball League*
      - *Summer Men's Basketball League*
  - *Libraries and Learning*
    - *Librarian Lee Sparks will serve as Interim Library Manager*
    - *Friends of the Rowlett Public Library board members donated \$1200, \$100 for each year of service, to the Library in Jeff Timb's honor*
    - *Funds will be used to purchase materials for the collection*
    - *45 children and parents attended The Magic of Storytelling program on April 19*
    - *29 took part in the Senorita Margarita's Fiesta de Mexico on April 26*
    - *Local schools will tour the Library over the next month*

#### *Environment*

- *To provide and promote environmental resource management services in order to ensure health and welfare, and to preserve the environment for our community.*
- *Environment Update*
  - *SH66/Eula Drive Water Tower*
    - *On council agenda for acceptance tonight*
  - *Jet crew is working on regular routine jetting of the sewer main lines in trouble subdivisions first and then in other areas*
  - *Valve and Hydrant crew continues to exercise valves and service fire hydrants one subdivision at a time*
  - *Wastewater Construction Crew continues to install property line clean outs at locations that get regular calls*
    - *Allows the City to determine if the problem is with the homeowner or the City*

- *Waterways Clean-up ~ sponsored by Keep Rowlett Beautiful*
  - *241 volunteers met April 19 from 9AM - 12PM*
  - *Collected 3940 lbs. trash*

#### *Transportation*

- *To provide transportation services to our citizens and visitors, to ensure safe, efficient transportation options for the movement of people and goods through the City of Rowlett and surrounding areas.*
  - *Transportation Update*
  - *DART*
    - *City Manager attended DART Board Meeting on April 22. The Board adopted the 20 Year Financial Plan; included in this action was the double-tracking of the Rowlett corridor.*
      - *Additional meetings and hearings related to service plan updates will be held in Rowlett over the next couple of months.*
    - *City staff completed the review of the DART 30% construction plans and submitted the review comments to DART*
      - *The 30% construction plans include the aerial crossing of the light rail over Rowlett Road,*
      - *DART indicated to the City that the crossing will be an at-grade crossing and construction plans will be revised*
  - *NTTA*
    - *Bids received for Section of PGBT that extends from north of the future LG-Merritt Interconnector to south of Main St*
      - *Construction expected to start in June or July*
      - *Staff will schedule public meetings to discuss traffic control*
    - *Groundbreaking Ceremony for Eastern Extension of PGBT*
      - *Wednesday ~ June 11 ~ 10AM ~ RCC in Gym A*
    - *NTTA sponsoring Annual Partnership Luncheon*
      - *Wednesday ~ June 11 ~ 11:30AM ~ RCC*
      - *NTTA will make a brief presentation on the Eastern Extension*

*At this time, Shawn Poe, Assistant Director of Public Works/Utilities brought forth a PowerPoint presentation for the Capital Improvement Plan Update (27 page PowerPoint presentation).*

#### *May CIP City Council Update*

- *CIP Website*
- *Concentrate on focal CIP projects and projects in design*
- *"Word on the Street"*
- *Update for Active Construction Projects*

#### *Rowlett Road Corridor*

##### *Rowlett Road Phase 1*

##### *Rowlett Road Phases 2 & 3*

- *Design continues on Phase 2 & 3*
  - *Phase 2 is at approximately 60% complete*
    - *Addressing comments to the schematic received from TxDOT review*
    - *Environmental and archeological work was suspended temporarily after the Sacred Heart Cemetery refused access to their property.*
    - *Engineer submitted a re-alignment of the roadway to avoid having to acquire ROW from the cemetery so the environmental work could continue.*

*Council voiced concern about the traffic plan for Phase 3.*

- *Phase 3 is about 76% complete designed*

- *Revising plans to accommodate the rehabilitation option in lieu of total reconstruction as directed by the City Council.*

*Miller Road Phase 1*

*Hickox Road Phase 1*

*Misc. Asphalt Paving*

*Misc. HMAC*

- *Miscellaneous Asphalt Reconstruction Completed*
  - *Elm Grove (O)*
  - *Miller (O)*
  - *Main (O)*
  - *Hickox (O)*
  - *Chaha (O)*
  - *Old Rowlett Road (O)*
  - *Liberty Grove by school (R)*
  - *Schrade (R)*
  - *Garner (R)*
  - *Chiesa (R)*
  - *Dalrock (R)*
  - *Pecan (R)*
  - *Dexham (R)*
  - *Liberty Grove (R)*
- *To be Completed*
  - *Chiesa Road*
  - *If approved tonight, Toler, Vinson, Elm Grove, Liberty Grove and Big A*

*Council spoke regarding the completion date of the asphalt project.*

*Point Royal Estates*

- *Underground utilities are 80% complete*
- *Point Royal Drive has been lime stabilized from Scenic to Pecan*
- *Paving of Point Royal will begin May 12*
- *Subgrade being prepared for lime stabilization on Ashe Bend and Cedar View*
- *Neighborhood meeting begin scheduled at Cullins - Lake Point Elementary TBA soon*

*Kenwood Heights*

- *Underground utilities being installed along Maple and Willow Way*
- *Concrete drainage channel complete*
- *Kenwood 90% paved to Maple and is planned to be closed until middle of May*

*CIP Projects in Design*

- *Main Street Lift Station*
  - *Land acquired*
  - *Consultant is address the City's final review*
  - *Bid in June 2008 after City development process is complete*
- *Rowlett Creek Metering Station*
  - *Joint project between City of Garland and Rowlett*
  - *Project bid*
  - *ILA has been approved by both Garland and Rowlett. Contract has been released but meter station will be one of the last things installed by the contractor.*
- *2007 Alley Reconstructions*
  - *\$2M worth and include alleys that serve all or a portion of Brownlee, Chesham, College Park, Deerwood, Grant Highgate, Mariner, Mediterranean, Pebble Beach, Vernon, and Willowbrook.*

- *Project bid and will be considered for award on May 6. Construction to start in July after contracts are executed and neighborhood meeting is held.*
- *Eastside Lift Station*
  - *Report has been finalized and is being reviewed by staff. Bid improvements this summer.*
- *Freedom Drive*
  - *Design in preliminary stages*
  - *Defining the ROW options*
- *Rowlett Road Lift Station*
  - *Plans are 99% complete*
  - *Contract for land consider on May 6, 2008 by City Council*
  - *Bid Summer 2008*
- *SH 66 East Sanitary Sewer Line*
  - *Plans about 60% complete*
- *Hickox, Phase 2*
  - *Plans about 60% complete and staff reviewing*
- *Hickox, Phase 3*
  - *Plans about 20% complete*
- *Chaha Road*
  - *Design agreement approved and executed*
  - *Begin survey work*
- *Princeton Road*
  - *Design agreement approved and executed*
  - *Begin survey work*
- *Delia Street*
  - *Survey work underway*
- *2007 - 08 Alleys*
  - *Select engineer to design project*
  - *Consider agreement for design in June*

*Council asked that Staff provide information regarding the maintenance of the wood fences.*

*Staff agreed.*

#### *Public Safety*

- *To provide public safety services to the City of Rowlett citizens and visitors in order to reduce crime, injury, and damage to property and the environment.*
- *Police:*
  - *Community Services Officer Dan Miller now certified for home and business inspections*
  - *Public Safety Expo held on April 22 ~ app. 1500 people attended*
  - *4th Annual Bicycle Rodeo ~ May 17 ~ 10AM - 3PM*
    - *8800 Lakeview Pkwy - old Rainbow Food Store*
  - *5 open positions: 1 Communications Officer; 4 Police Officers*
  - *Officer Evan Thomas and Aelos competed in United States Police Canine Association (USPCA) Region 20 Certification Trials*
    - *Won one 1st place and three 2nd place awards*
- *Police Reported Accidents: All Accidents*
- *Police Response Times Comparison: All Calls*
- *Police Response Times Comparison: Priority 1 Calls*
- *Fire Rescue:*
  - *George Harris will take over Fire Chief position on June 1*
  - *Personnel are working on a new stand pipe hose deployment pack*
    - *Training has taken place on this system*

- *Faster deployment of fire attack lines in large buildings*
- *Affects performance measure ~ fires confined to room of origin*
- *Completed moving radio equipment from old fire station to Kirby water tower*
  - *Better radio coverage*
  - *Improved signal strength for back up radio systems and RACES volunteer's communications*
- *Fire Rescue: Structure Fires - Property Loss*
- *Fire Rescue: Response Times*
- *Fire Rescue: Number of Structure Fires*
- *Fire Rescue: Percentage/Fire Containment*

*Other Activities*

- *Streaming video is now live on City website. For testing period, three videos posted for viewing*
  - *Video archive will be populated within a few weeks*
  - *Staff appreciates feedback as you access the site from home or office*
  - *Let staff know if any technical difficulties are experienced*
- *Great GISD BBQ Smackdown*
  - *May 7 ~ GISD Special Events Center ~ 5 - 7PM ~ benefits March of Dimes*
- *Annual Partnership Luncheon w/Chamber of Commerce*
  - *June 11 ~ RCC ~ 11:30AM*
- *Donations:*
  - *Books for the Library from Ms. Arrant*
  - *\$1200 from Friends of Rowlett Public Library*

**3.-D.** Hear Quarterly Investment Report for period ended March 31, 2008. (10 minutes)

*Ann Honza, Assistant Director of Financial Services, gave a brief overview of the Quarterly Investment Report.*

*Council asked that Staff explain where the investment money comes from.*

*Staff responded to the question.*

**3.-E.** Discuss Financial Report for the Second Quarter of Fiscal Year 2007-2008. (10 minutes)

*Brian Funderburk, Director of Financial Services, discussed the Financial Report for the Second Quarter of Fiscal Year 2007 - 2008. Stated that \$47.3M has been collected in the last six months which is 0.9% higher than target; spend \$41.9M which is 1.6% above target. Revenues are higher primarily due to property taxes are \$427,000 ahead of target; Water and Sewer Revenues are down 6.4%; and Red-light camera funds are down 8%. Expenditures are \$700,000 higher due to the Operating Budget General Fund but it is still \$780,000 less than a straight line basis. Stated that the City is in good shape with expenditures; and revenues for the Community Centre and Community Athletics have been determined to be substantially overestimated.*

**3.-F.** Presentation of the Annual Report from the Rowlett Tax Increment Financing Reinvestment Zone Number One Board. (10 minutes)

*Tax-Increment Financing Reinvestment Zone Number One Board. No liabilities were incurred nor were any funds spent on project costs; however, it did contribute to debt service*

*based on the bonds sold for the City's share of the right-of-way contract with the Texas Department of Transportation.*

- 3.-G. Discuss upcoming out-of-town conference with regard to the Council travel policy as prescribed in Resolution 03-16-04J. (5 minutes)

*Susie Quinn, City Secretary, presented Council with an opportunity to attend the "Partners in Mobility" conference in Austin.*

- 3.-H. Discuss attending "The Value of Design" workshop to be held in Arlington on Wednesday, May 28, 2008. (5 minutes)

*Susie Quinn, City Secretary, presented Council with an opportunity to attend "The Value of Design" workshop in Arlington.*

*Council asked Staff if this would be an opportunity for the Planning and Zoning Commissioners to receive training.*

#### 4. DISCUSS REGULAR SESSION ITEMS

*Council questioned staff concerning Items 9B, 9F, 9G and 10A.*

*No items were removed from the Consent Agenda to be individually considered.*

*Work Session adjourned at 7:26 p.m.*

#### CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)

*Work Session adjourned at 7:26 p.m.*

#### 5. INVOCATION

*The invocation was led by Pastor Lance Ward, Rowlett Bible Fellowship.*

#### 6. PLEDGE OF ALLEGIANCE

*Mayor Pro Tem Rushing led the Pledge of Allegiance.*

#### 7. PRESENTATIONS AND PROCLAMATIONS

- 7.-A. Update from the Mayor.

*This item was not presented.*

- 7.-B. Proclamation for Coyle Middle School.

*Mayor Pro Tem Rushing presented the proclamation for Coyle Middle School.*

**7.-C.** Proclamation for Jacob Newman.

*Mayor Pro Tem Rushing presented Jacob Newman with a proclamation.*

**7.-D.** Proclamation for Eagle Scout Jeremy Myers.

*Mayor Pro Tem Rushing present Eagle Scout Jeremy Myers with a proclamation.*

**7.-E.** Proclamation for recognition of National Detention Officers Week May 5-11, 2008.

*Mayor Pro Tem Rushing presented Police Chief Walling with a proclamation for National Detention Officer Week.*

*Chief Walling introduced some of the detention officers and congratulated them.*

**7.-F.** Proclamation for recognition of National Police Week May 11-17, 2008.

*Mayor Pro Tem Rushing presented Police Chief Walling with a proclamation recognizing National Police Week.*

*Chief Walling accepted the proclamation and asked the citizens to take a few minutes out of their day to thank an officer and to pray for the officers of Rowlett and our nation.*

**7.-G.** Proclamation for recognition of Emergency Medical Services Week May 18-24, 2008.

*Mayor Pro Tem Rushing present Interim Chief Randy Howell with a proclamation recognizing Emergency Medical Services Week.*

*Chief Howell introduced Ron Simmons, Emergency Medical Services Coordinator, and thanked the citizens for their support.*

**7.-H.** Proclamation for recognition of National Public Works Week May 18-24, 2008.

*This proclamation will be presented at the May 20, 2008 City Council meeting.*

**7.-I.** Hear presentation of the Second Quarterly Financial Report for Fiscal Year 2007-2008 from the City Manager.

*Craig Owens brought forth a PowerPoint presentation for the Second Quarterly Financial*

Report for Fiscal Year 2007 - 2008. City of Rowlett: Quarterly Financial Report, March 31, 2008 (12 page PowerPoint presentation).

#### Highlights of March 31, 2008

##### Quarterly Financial Report

- Overview
- Revenue Trends
- Budget Matters
- Reserves

##### Overview

- City has earned \$47.3 million through the second quarter, representing 61.9% of the amended operating budget of \$76.5 million.
- City has spent \$41.9 million for the year, representing 54.9% of the amended operating budget of \$76.3 million.
- City has spent \$10.1 million in capital improvements and has \$20.5 million committed off the amended capital budget of \$78.2 million.

##### Revenue Trends

- Sales taxes have earned \$1.7 million, an increase of 9.5% compared to FY 06-07 but 2.8% below target for the first five months of the year.
- These results are reported net of sales tax rebates
- Property taxes totaled \$23.3 million, an increase of 5.7% compared to FY 06-07 and 1.9% above target thru the second quarter of the year.
- This may only be a timing issue that will not increase overall collections for the year.
- Water revenues totaled \$4.2 million, an increase of 1.0% over FY 06-07 but 10.4% below target thru the second quarter of the year.
- It now appears that some portion of this will be permanent.
- Sewer revenues totaled \$4.2 million, a decrease of 2.0% over FY 06-07 and 2.1% below target thru the second quarter of the year.

##### Budget Matters

- Revenues are \$407,768 or 0.9% higher than the target thru March 31st primarily due to higher property tax collections, net of reduced water/sewer sales and red light camera fines.
- Expenditures are \$677,439 or 1.6% higher than the target thru March 31st primarily due to the timing of operating costs in the General and Fleet Services Funds net of vacancy savings.
- Previous items listed on Budget Watch were Red Light Camera Fines and concerns with the national economy.
- To date, vacancy and other operational savings have made up the revenue shortfall from the Red Light Camera Fines.
- A new item added to the Budget Watch is Recreation Revenues. Additional cuts have been identified; however, this will still leave a gap of \$250,000 in the current year.
- Staff is now reviewing strategies to combat this gap.

## 8. CITIZENS' INPUT

Mayor Pro Tem Rushing explained the procedure for Citizens' Input.

1. Rick Meyers - 8002 Edenmore Lane - spoke regarding Civil Service.
2. David Smith - 8606 Huntington Drive - spoke regarding Civil Service.
3. Roger Trent - 7602 Merritt Road - spoke regarding Civil Service.
4. Dennis Howry - 4202 Vista Creek Drive - spoke regarding Civil Service.
5. Mark Petrick - 9605 Waterview Parkway - spoke regarding Civil Service.
6. Jeffrey Sheldon - 7242 Liberty Grove - spoke regarding Civil Service. .

**9. CONSENT AGENDA**

*Mayor Pro Tem Rushing explained the procedure regarding the Consent Agenda and the rights of each Councilmember and each citizen to have any consent agenda item removed to be considered individually.*

*City Secretary read the items into the record.*

- 9.-A.** Consider approving minutes from the March 11, 2008 Special Council Meeting and the April 15, 2008 Regular Council Meeting.

**This Matter was approved on the Consent Agenda.**

- 9.-B.** Consider an ordinance adopting and enacting Supplement Number 5, Volume I and Volume II, dated April 2008, to the Code of Ordinances.

**This Matter was approved as ORD-013-08 on the Consent Agenda.**

- 9.-C.** Consider a resolution approving the assessment of a ten cent (\$0.10) per capita fee to fund the activities of the Oncor Cities Steering Committee.

**This Matter was adopted as RES-044-08 on the Consent Agenda.**

- 9.-D.** Consider a resolution approving the Texas Department of Transportation Traffic Safety Program grant agreement for the FY08 Memorial Day Holiday "Click-It or Ticket" Enforcement Program Grant.

**This Matter was adopted as RES-045-08 on the Consent Agenda.**

- 9.-E.** Consider a resolution approving payment to Software House International (SHI) for true-up on the three-year Microsoft Software Licensing Enterprise Agreement, and purchase Microsoft software licensing for the Library, from the DIR contract, in a total amount not to exceed twenty-six thousand eight hundred fifty-six dollars (\$26,856).

**This Matter was adopted as RES-046-08 on the Consent Agenda.**

- 9.-F.** Consider a resolution authorizing the sale of retired surplus police vehicles and related equipment as provided in Exhibit A to Hunt County Sheriff's Office for the sum of twenty-four thousand one hundred dollars (\$24,100).

**This Matter was adopted as RES-047-08 on the Consent Agenda.**

- 9.-G. Consider a resolution ratifying the purchase and installation of a replacement traffic signal controller cabinet at Dalrock at Woodside near Fire Station Number 2 to Durable Specialties in the amount of thirty-eight thousand one hundred thirty dollars (\$38,130).

**This Matter was adopted as RES-048-08 on the Consent Agenda.**

- 9.-H. Consider a resolution awarding the bid for alley reconstruction to J&T Excavating, LLC in the amount of one million six hundred seventy-six thousand six hundred sixty-seven dollars and thirty-five cents (\$1,676,667.35) and approving a contingency amount of two hundred fifty-one thousand five hundred dollars and ten cents (\$251,500.10) (15%) for a total project budget of one million nine hundred twenty-eight thousand one hundred sixty-seven dollars and forty-five cents (\$1,928,167.45) and authorizing the Mayor to execute such agreement in a form approved by the City Attorney.

**This Matter was adopted as RES-049-08 on the Consent Agenda.**

- 9.-I. Consider a resolution authorizing the final acceptance of the improvements and release of the retainage and final payment to Roadway Solutions, Incorporated in the amount of six thousand one hundred eighty-eight dollars and forty cents (\$6,188.40) for the installation of a traffic signal at Dalrock Road and Chiesa Road.

**This Matter was adopted as RES-050-08 on the Consent Agenda.**

- 9.-J. Consider a resolution approving a purchase and sale contract for the acquisition of a 0.2559 acre tract of property located at 3810 Rowlett Road for the reconstruction of the Rowlett Road Lift Station in the amount of five thousand dollars (\$5,000) and authorizing the Mayor to execute such agreement.

**This Matter was adopted as RES-051-08 on the Consent Agenda.**

- 9.-K. Consider a resolution approving a supplemental agreement to Task Order Number 2-HVJ to the approved professional services agreement with HVJ Associates, Incorporated to provide construction materials quality control testing and inspections for Rowlett Road - Phase 1 reconstruction project from south of Lakeview Parkway to Century Drive in the amount of thirty-five thousand dollars and no cents (\$35,000).

**This Matter was adopted as RES-052-08 on the Consent Agenda.**

- 9.-L. Consider a resolution approving Change Order Number 6 in the amount of seven hundred seventeen thousand six hundred sixty-two dollars and seventy-two cents (\$717,662.72) to the contract with the Reynolds Asphalt and Construction Company, Incorporated for the reconstruction of Miscellaneous Asphalt Roads to include the reconstruction of Castle Road from Miles Road to Merritt Road and Chiesa Road from Liberty Grove Road to Bobbie Lane.

**This Matter was adopted as RES-053-08 on the Consent Agenda.**

- 9.-M. Consider a resolution approving Change Order Number 7 in the amount of nine hundred eighty thousand dollars and no cents (\$980,000) to the contract with the Reynolds Asphalt and Construction Company, Incorporated for the reconstruction of Miscellaneous Asphalt Roads to include the rehabilitation of additional asphalt streets.

**This Matter was adopted as RES-054-08 on the Consent Agenda.**

### **Passed The Consent Agenda**

**A motion was made by Deputy Mayor Pro Tem Gottel, seconded by Councilmember Alberts, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Ayes:** 4 - Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto and Mayor Pro Tem Rushing

**Excused:** 2 - Mayor Harper and Councilmember Mays

## **10. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 10.-A. Conduct a public hearing and consider an ordinance amending the Comprehensive Plan, Comprehensive Zoning Ordinance, and Zoning Map to rezone property from General Commercial/Retail and Planned Development-General Manufacturing to a Planned Development (PD) District to allow development of a Service King Collision Center with modified development standards on 1.84± acres of land located on the south east corner of Rowlett Road and Big A Road. [ZAM08-354 Service King]

*Mayor Pro Tem Rushing read the item into the record.*

*Keri Samford, Planning and Community Development Director stated "This evening, this is for a Service King Collision Center. This location is a similage of five (5) different lots, two (2) on the front that are currently zoned C-2 and three (3) that are PD Manufacturing. Property owner notices were sent out; nineteen (19) notices were mailed, five (5) notices were returned in favor; and one (1) notice in opposition. The Planning and Zoning Commission considered the subject rezoning request at the April 8, 2008 regular meeting. The Planning and Zoning Commission recommended approval of the request with conditions by a vote of 5 - 2. The conditions were the Planned Development regulations will include 100% masonry*

requirement per code, per screening, and building materials with the exception to allow glazed concrete masonry units as an accent material. I'm available if you have any questions."

Mayor Pro Tem Rushing stated "Okay, are there any questions for Ms. Samford?"

Councilmember Maggiotto stated "Ms. Samford, the last page, I guess it's page 534, where you have the aerial view of the 200-foot notification area, there are five (5) lots north of the Albertsons parking lot. I noticed that in our zoning map, I think it's from Big A to Lakeview, its zoned C-2; are those five (5) lots legally non-conforming at this time?"

Ms. Samford replied "I'm sorry; I don't have that map here in front of me."

Councilmember Maggiotto stated "Well, it's just these five (5)..."

Ms. Samford stated "Well, the five (5) lots that they're assembling..."

Councilmember Maggiotto replied "No, no, no. The five (5) existing. Are those legally non-conforming at this time, i.e. they're not office retail? C-2? Thank you."

Ms. Samford stated "To answer the Councilmember's question, the lots that he was talking about north of Albertsons are in the Planned Development District, as well."

Mayor Pro Tem Rushing replied "Okay, thank you. Is there anyone to testify for in this public hearing? I'm sorry; Al, did I miss you? You were talking."

Councilmember Alberts stated "You did. You did, Mayor. I was having a sidebar with our attorney here. We were looking at the supermajority rule discussing if it would be needed since within the 200' notice area, I guess your largest land owner is Albertsons. Is that correct? And Albertsons is opposed to this zoning change, correct?"

Ms. Samford replied in the affirmative.

Councilmember Alberts continued "Okay. I was just checking with the City Attorney to see if the two-thirds (2/3) majority would be needed for acceptance."

Ms. Samford stated "Yes, sir. Thank you."

Councilmember Alberts stated "I got his opinion, is that your opinion?"

Mayor Pro Tem Rushing stated "Okay, I will ask the City Attorney for his opinion on that question. Is there a supermajority needed on this vote?"

David Berman, City Attorney, replied "No, the supermajority is invoked in Chapter 211 when a written protest is received by twenty percent (20%) of the property owners surrounding the subject property. The simple fact that they have indicated an opposition in response to our letters doesn't constitute a formal written protest. That would be...that would invoke the supermajority requirement. So majority vote...a simple majority vote this evening would be enough but even if it were otherwise there are only four (4) councilmembers and you aren't going to have a motion that's going to pass with less than three (3)."

Mayor Pro Tem Rushing stated "Okay, any more questions of Ms. Samford?"

Councilmember Alberts stated "Thank you, Mayor."

Mayor Pro Tem Rushing stated "No more questions?"

Deputy Mayor Pro Tem Gottel replied "I have one more question."

Mayor Pro Tem Rushing stated "For Ms. Samford?"

Deputy Mayor Pro Tem Gottel replied "Yes, I'm sorry."

Mayor Pro Tem Rushing stated "Okay, go ahead."

Deputy Mayor Pro Tem Gottel stated "In the drawing that is there, it is my understanding that the garage bays will be clearly seen from both sides from Big A and also from...strong visibility from Rowlett Road, as well. Is that correct?"

Ms. Samford replied "They will definitely be visible from Big A Road, although there will be some berming and landscaping that will be incorporated and they do face Big A Road. With the setback requirements, we typically require a fifty (50) foot setback and they are requesting a twenty-five (25) foot setback; which would probably make it visible from Rowlett...some of the bays visible from Rowlett Road, as well, driving north."

Deputy Mayor Pro Tem Gottel stated "Thank you."

Mayor Pro Tem Rushing replied "Is there anyone here to testify for or against. (Public hearing opened at 8:39 p.m.). Please state your name and address for the City Secretary so that she will have a record of that."

Jeff Carroll, 17770 Preston Road, Dallas, stated "With me tonight in attendance with Service King is Mr. Jeff McFadin, Mr. Frank Duvall, and with him is their counsel Pat Remington, contractor Grey Murray, and in the audience with us also is landowner Mr. Conner Patmon, Jr. We've just submitted a packet to you; there's a rendering in there as to what we're actually proposing to be on this site. And that's what is displayed on your screen, as well. We're here tonight asking you to approve the zoning request brought before you tonight. We're combining the two (2) different zoning properties into one (1). This matches the front which is already zoned C-2 but what we're adding is the light and heavy automobile repair to include assembly, painting, rebuilding, reconditioning, and the body repair. Service King has been looking for a site here in Rowlett for several years. The research and development team determined the type of service facility needed in Rowlett due to the expansive growth that you guys have had over the past five (5) to ten (10) years. Service King is proposing to buy, develop, and own the facility and Service King, just so you know, is a family-owned type operation. They are not a nationally franchised company. They've been in business for over thirty (30) years. The product that they develop is above industry standards as the rendering itself shows and as seen in the photographs you're looking at. You'll also notice that the areas that they're located, where they develop is high-profile areas, commercial, office, retail, restaurants; they sit amongst all of those and next door to some of those, as we talk today. Up in Plano, Frisco, Richardson, North Dallas, and you can tell that they blend right in with the existing developments that are there. What we've proposed to you tonight from the Site Plan layout, we're presenting as the PD shows, the building, the parking, and location of the screening wall. Working with staff, we know that the bay doors are facing Big A Road, as you can see in the rendering there. What we've done is added glass panels into the rollup doors to give it a retail look. The scale and dimensions of the building are in a retail format. We're not too high, we're just high enough to where it looks like we have the sign ban running across. We've broken it up with the pilasters but what we've also done is we've included in there the landscape which is an approved Rowlett width due to this intersection; and what we're trying to do is just enhance it with berming, raise it three (3) feet and give it some breakup with the trees and the scrubs that will be apart of it to give it a retail type atmosphere there. The mechanical units, the dumpsters, they'll be behind the proposed six (6) foot

masonry screen wall; that's located on your Site Plan that runs around the east part of the building, as well as, the south part of the building. The south part screens all the doors; the north part screens the back rear two (2) bay doors. We thought that would help with any concerns you guys might have in regards to screening, buffering, and those types of things. During operations they keep the doors closed so we'll always have this retail type look and effect. The building itself will conform, as Keri has mentioned, to the one hundred percent (100%) masonry requirement. We're using two (2) colors of split-faced concrete masonry unit (CMU) just to break it up and give it some accents. The main portion of the facility is stucco with the red roof, the yellow sign ban area where they would display their name, and then as we asked in P&Z, just the exception for the glazed CMU to where we could have a red accent band, as you notice on the colored overlay sheet. Also notice, we'll submit a sign package when we go for the Site Plan approval process to meet your ordinance; we're not asking for any variance on that. We'll also submit a parking lot lighting photometric plan to make sure that we're all within the ordinances that you have established for that. Again, we are going to provide the six (6) foot masonry screen wall. That wall, again, will be the CMU that matches and blends in with the building, as well. And it will also screen out any of the parked cars that are waiting to be repaired; those don't sit out front, those are pushed back into the back behind the screened area. In this type of operation, there's no excessive honking, loud noises, no speakers out above the bay doors...noise is very limited and is inside the facility itself. Service King and they can better talk about this with some of your questions, but they are actually governed by the State and Federal government in regards to any type pollution, environmental control issues, that would take place in this type of facility and they would be happy to speak regarding that if you have any questions. Again, we appreciate your time tonight; if you have any questions, we have a team here ready to help answer anything you might have and we'll be happy to help you."

Mayor Pro Tem Rushing replied "Thank you. Any questions from Council?"

Deputy Mayor Pro Tem Gottel stated "I have a question for Ms. Samford. Regarding, I need to be clear on the setback issue. Our standard setback is fifty (50) feet, is that correct?"

Ms. Samford replied "That is correct."

Deputy Mayor Pro Tem Gottel stated "Okay and what they are suggesting is a twenty-five (25) foot setback?"

Ms. Samford replied "Yes, a twenty-five (25) foot on Rowlett Road, as well as, a twenty-five (25) foot on Big A Road. The buildings that are on Big A Road further down to the east, I believe, they have that twenty-five (25) foot setback that were in that existing planned development already. But they are requesting twenty-five (25) foot, both on Big A and on Rowlett Road, as well."

Deputy Mayor Pro Tem Gottel stated "And this is maybe more of a question for the gentlemen, the architect. Is there realistically enough room in there to put the driveways and things with the twenty-five (25) foot set back and the berm that you're describing and everything else?"

Mr. Carroll replied "What this shows is we actually have by the City a twenty (20) foot landscape buffer along Big A Road, as well as, Rowlett Road here. And then we have a twenty-four (24) foot fire lane that runs around the building facility itself. So technically, we could go with a forty-five (45) foot setback off of Big A Road and we could keep the fifty (50) foot along Rowlett Road. The fifty (50) foot along Big A Road though would actually cut a piece of our building off; we could reduce it a few feet but it would be right on that property line. Just from a building code standard, we'd like to be ten (10) foot back just from a...there's a fire code issue in regards to the percent of opening that can be along a property line. But we would not be opposed to raise it from twenty-five (25) foot to forty-five (45) foot; we feel like we could still abide by that, that's not a problem. And again, the building is

already set up that way. And like she had mentioned just a while ago, the twenty-five (25) foot just came from what was already existing in the previous PD application."

Deputy Mayor Pro Tem Gottel stated "Great, thank you very much."

Mayor Pro Tem Rushing stated "Any one else? No further questions. I had a few questions. Are there any external speakers on the building?"

Mr. Carroll stated "I'll have Service King representative talk about their operations."

Jeff McFadin, 870 St. James Court, Fairview, stated "I'm a Vice-President for Service King. I've been with the company for twenty (20) years and to answer your question, we do not have any external speakers. We have a phone system within the building; we use handheld radios; we're in a lot of retail centers, we're used to that question. And for us it's really important that we're a good neighbor. You know, we want to be in those environments which keeps us in the growth pattern that we've been in. So one thing that I would like to make the point of is that when we talk about development and we talk about this facility, we have another piece of property that's under construction currently and this will kind of give you the idea of what we're looking for in our properties is that the zoning that was allowed, the usage was really a metal building with very little IEFS and we actually put a tilt panel building up just simply because we want to make the right investment and we want to have the right properties. So, for us, we want to make the right decisions and speak with Ms. Samford in all of the development and the issues that you have with split face masonry; we don't have any problem with that because we want a good property and we want to be a good neighbor. And it really fits into our marketing plan."

Mayor Pro Tem Rushing stated "Okay. Can you show me on that map that was up there before where the cars are stored while they are waiting to be serviced?"

Mr. Carroll stated "If I understand this correctly and Jeff, you can help me, if the wreck is on a trailer, they'll come in to these gates to be stored back here. To be serviced at some time."

Mr. McFadin stated "Correct. We would make this really our customer entrance here and this would be our employee and tow trucks and so forth. We would be able to direct them off of Big A to keep the congestion off of Rowlett Road."

Deputy Mayor Pro Tem Gottel stated "My apologizes; its hard to see on this little screen? Where is the customer entrance again on this one?"

Mr. McFadin replied "See right here at this drive right here."

Deputy Mayor Pro Tem stated "Okay, it will be right off of Rowlett Road."

Mr. McFadin continued "This is Jack-in-the-Box right here, so here would be the customer drive and this would be the side drive which would allow us to bring tow trucks in. And the storage, to answer your question, would be all behind the masonry screen. There is a fence here which would take the masonry wall all around the perimeter here and here. So everything would be inside this fence and inside of this fence. All in this area. So really for us, we don't have, for security reasons as well, we don't store anything outside of the screening wall. And we want the screening wall for protection, as well."

Mr. Carroll stated "And actually what this shows is the screen wall comes up here and ties into the existing building; it's on the property line so the building is there so nothing happens to the screening wall."

Mr. McFadin stated "And the setback is really close from this property line to this building to where...and it's an arrogated building so it really acts as a masonry screening wall. A comment earlier is that you actually wouldn't, the question that was asked was 'could you see the doors from both sides?' You really wouldn't see these doors based on the masonry wall and the proximity from the panel here to the masonry wall; you may see one section of the glass but you'd have to really be looking for it."

Deputy Mayor Pro Tem Gottel stated "Would there also be landscaping on the back of that, as well? It's hard to see on this picture, I'm sorry."

Mr. Carroll replied "Yea put the rendering up and that may help with the landscaping. You can't really see the berms as well and that is something that I noticed."

Deputy Mayor Pro Tem Gottel stated "Well, I was referring to the back area."

Mr. Carroll stated "In the back, I think it would be whatever your standards would require inside the islands, like on this corner, I think there would be, there would be, once again here I would think there would probably be some type of scrubs just with our experience with working with different municipalities even though it is screened, there would still be landscaping inside. That would be...most likely that would be the case."

Mayor Pro Tem Rushing stated "Okay, thank you. I had another question; you were referring to the drive off of Rowlett Road. I noticed in the packet that still has to be approved by the engineers because it's so close to the corner. If you cannot have that drive..."

Mr. Carroll replied "We're okay. If we can't have it then we're okay."

Mayor Pro Tem Rushing stated "You'll just enter off Big A Road for everything?"

Mr. Carroll replied "We'll enter off of Big A Road. It's not something...it's something...the approach exists, that's kind of where it came from in the original plat of this property and there's still is an approach that exists there so that's what our design came from was using that approach and then working with TxDOT or not necessarily with TxDOT but with your engineering department here. They told us that they weren't sure they were going to recommend it. So we would just work around that."

Mayor Pro Tem Rushing stated "How many cars will you be able to park and store on this facility site?"

Mr. Carroll replied "Fifty-six (56) total parking spaces inside the fence and then another eight (8) would be here in the front for customers; so fifty-six (56) here and eight (8) outside the masonry fence. And employee parking is in here, as well. Most of the vehicles are inside the building during the day and at night for security reasons. So this parking is really more for employees to be able to keep their vehicles inside the fence, as well as, vehicles that maybe aren't drivable that we can't get inside the building."

Mayor Pro Tem Rushing stated "Okay, and would you be doing any mechanical repairs in this location or just bodywork?"

Mr. Carroll replied "That's a great question, I'm glad you asked it. That came up in our P&Z meeting; we really don't do mechanical work. We do very light, maybe something that's related to the collision, that's required to rebuild or repair the collision but we don't do engine repair, mechanical brake jobs, we don't do any type of mechanical work unless it requires taking a radiator out, for example, to be about to repair the front end of a car. But we do not solicit brake jobs or any type of mechanical work. Our average repair is seven (7), eight (8),

ten (10) days so we have much less traffic than a 'Just Brakes' or 'Discount Tire' and our customers are there a lot longer than an actual mechanical repair dealership."

Mayor Pro Tem Rushing stated "Okay, and the last question. Do you have any other facilities that is as close to residential areas as this one would be?"

Mr. Carroll replied "We actually do in Richardson, we do in Plano, our west Plano location on Plano Parkway is probably, I'm guessing, two (2) retails...I'm guessing, I'll give you by yardage, it's probably one hundred twenty (120) yards to one hundred forty (140) yards away. Our Plano location, as well, on Spring Creek at Central; our Richardson location actually backs up to multi-family. That's really where a lot of this design came was we knew that was important to you so we have what we call swamp-coolers which are really air conditioning units that allow us to keep these doors closed so it reduces the noise. And we learned just working with different municipalities we know what your needs are, that's what we did in Richardson because we backed right up to an apartment complex and we just put the a/c units on the roof which allowed us to keep the doors closed. That's really helped a lot and we've had no complaints from the multi-family next to us. So out of twenty-one (21) locations, I could go through many of them in my head, but I know in those markets, for example, for sure are very close."

Mayor Pro Tem Rushing stated "Okay, thank you. Any other questions?"

Mr. Carroll stated "There's a comment I'd like to make real quick on this berm, right here."

Mayor Pro Tem Rushing replied "Sure."

Mr. Carroll continued "You really can't see it in this drawing but we are prepared to berm this at what ever height that you would require. And whether it requires some evergreens here, you know something that outside of the trees, really if the doors were an issue. We're very open to doing what ever landscaping and berm that would require and block some of the overhead doors if that was a concern."

Mayor Pro Tem Rushing stated "Okay, thank you. Anymore questions? Any one..."

Councilmember Alberts replied "Yes, this may be for staff but in the original presentation to P&Z, and you may have to answer this, there was a Site Plan that shows masonry but the development standards indicated wood/cedar in posts. Are we now full masonry now?"

Mr. Carroll stated "We were all the time, actually."

Ms. Samford stated "Yea, I think they showed it but it was not called out in the development standards, so to ensure that it was masonry, that's why it is listed as a condition of approval on the recommendation."

Councilmember Alberts stated "Okay, thank you."

Mayor Pro Tem Rushing stated "Any other questions of staff or the applicant?"

Deputy Mayor Pro Tem Gottel replied "I have one general one for our attorney. I'll start with the setback requirements or the setback...requested setback on this and that's really the only issue I have."

Mr. Berman stated "How much could we negotiate with the developer at this point?"

Deputy Mayor Pro Tem Gottel replied "What would happen if we would request that? Does that have to go back to P&Z again or does that have to..."

Mr. Berman stated "Procedurally we accept whatever other testimony there may be and then close the public hearing. At that point and time it's pretty much a wide open field and this is a planned development, the rules really are whatever the Council deems to be in the best interest of public health, safety, and general welfare."

Deputy Mayor Pro Tem Gottel replied "Okay, thank you."

Mayor Pro Tem Rushing stated "With that we'll close the public hearing (9:02 p.m.). Did you want to comment at this time?"

Councilmember Maggiotto stated "I guess this case is a ZAM case which is really about zoning and the presentation by Service King was very good. The problem that I have with this zoning case is the area that we're talking about from Big A Road to Highway 66 is zoned C-2. In C-2 we do not allow heavy vehicle repair. That is reserved in our zoning ordinances as an M-2 district. In reviewing the requests within the two hundred (200) foot notification boundary, Albertsons had expressed the negative to this development. Right now, where I'm at is the comprehensive plan that we have created, if you will, the zoning map for future development. We're talking about ten (10), twenty (20) years, okay. And we have also at this time an empty box that is one of our high priority items for redevelopment and I don't know how that is going to play out. I don't have a crystal ball. But I do know that when we're placing an M-2 use into a C-2 use that it's collateral effect cannot also be predicted. So, at this time, I can't support a rezoning such that we're placing a M-2 use into a C-2 zoning. Thank you."

Councilmember Alberts stated "I'll go ahead and Mr. Maggiotto beat me to the punch as far as addressing the Comprehensive Plan and the M-2 zoning that's in there. I don't like this product on that corner; I just don't. It's not what I envisioned for filling that lot. First, I think it's shoehorned in there and I think that's a negative. I wouldn't put a new car lot there let alone cars that have been crushed and need attention and stuff. And I know that we've got doors and things like this but in reality things. I've been by your products before and reality, people aren't there, and there's the cars that's tore up there. It may be mine but I'll just concur with Mr. Maggiotto but I think this isn't the best use for that piece of property. What we've envisioned for C-2 needs to be there, it needs to be C-2. I'll wait for a comment from the Council."

Mayor Pro Tem Rushing stated "Any other comments or do we have a motion? Do we have a motion?"

Councilmember Alberts replied "I'll make a motion that we deny the zoning request as requested this evening."

**A motion was made by Councilmember Alberts, seconded by Councilmember Maggiotto, that this matter be denied. The motion carried by the following vote:**

**Ayes:** 4 - Councilmember Alberts, Deputy Mayor Pro Tem Gottel, Councilmember Maggiotto and Mayor Pro Tem Rushing

**Excused:** 2 - Mayor Harper and Councilmember Mays

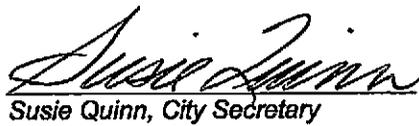
## **TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

*No actions were taken during the Executive Session.*

11. ADJOURNMENT

*Mayor Pro Tem Rushing adjourned the meeting at 9:10 p.m.*

  
Cindy Rushing, Mayor Pro Tem

  
Susie Quinn, City Secretary

Date Approved: May 20, 2008