REGULAR MEETING

OF THE

CITY COUNCIL OF THE CITY OF SACHSE

DECEMBER 6, 2010

The City Council of the City of Sachse held a Regular Meeting on Monday, December 6, 2010 at 7.30 p.m. at the Sachse City Hall after proper notice. The roll of the duly constituted City Council Members was called which members are as follows, to wit:

Mayor Mike Felix
Mayor Pro Tem Cullen King
Councilman Jared Patterson
Councilman Mark Timm
Councilman Bill Adams
Councilwoman Pat McMillan
Councilman Charles Smith

and all were present.

Staff present: City Manager Allen Barnes, City Secretary Terry Smith, Community Development Director Barry Shelton, City Engineer Billy George; Finance Director Jeri Rainey; Public Works Director Joe Crase, Police Chief Dennis Veach, and Fire Chief Doug Kendrick.

1. Invocation and Pledge of Allegiance to U.S. and Texas Flags:
The Invocation was offered by Councilman Smith and the pledges were led by Councilwoman McMillan.

2. Consent Agenda:
Councilman Tim requested to pull consent Agenda Item No 2b for discussion.

Councilman Patterson moved to approve the Consent Agenda. a. Approval of Minutes of the November 8, 2010 Special Meeting; c. Approval of Minutes of the November 18, 2010 Special Meeting; d. Resolution No 3260 authorizing the City of Sachse Broker/dealers authorized to provide investment services to the City; e. Consider acceptance of the resignation of Charles Ross, Board of Adjustment, alternate member; f. Resolution No 3261 authorizing an interlocal agreement with Dallas County for fire services in the unincorporated areas of Dallas County; g. Resolution No 3262 authorizing an interlocal agreement with Dallas County for Ambulance services in the unincorporated areas of Dallas, h. Resolution No 3263 authorizing a mutual aid agreement with other participating local governments for fire and EMS services, and i. Resolution No 3264 amending authorized representatives to act as custodian of investments purchased with City of Sachse funds. The motion was seconded by Councilwoman McMillan and carried unanimously

b Approval of Minutes of the November 15, 2010, Regular Meeting.
Following discussion, Councilman Timm moved to approve Minutes of the November 15, 2010 Regular meeting as corrected. Agenda Item No 9, Planning & Zoning Commission appointments, to reflect the no votes of Councilman Timm and Mayor Pro Tem King. On the Economic Development Corporation appointments, to reflect the no votes of Councilmen Smith and Timm and Mayor Pro Tem King. The motion was seconded by Mayor Pro Tem King and carried unanimously

<u>3. Mayor and City Council Announcements regarding special events, current activities and local achievements:</u>
Mayor Pro Tem King noted Story time at the Library, after the Christmas Tree Lighting was a success.

Mayor Felix, stated the Pancakes with Santa at the Fire Station was well attended. On Saturday December 11 is the Christmas Parade with a 9:30 am start at Hudson Middle School and also 10·00 a.m. until noon will be Cookies with Santa at City Hall. The deadline for the Christmas Lighting contest is December 16th and judging will be on December 19th On Friday, December 10th at 11 a.m. will the presentation of lifesaving awards to Sachse Police Officers by the Sons of the American Revolution.

<u>4. Citizen Input</u>:
Dave Sanford 3718 Trail Ridge Drive, requested an electronic or automatic door installed at the Senior Center

<u>5. Administer Oath of Office to newly appointed Board & Commission Members:</u>
Mayor Felix administered the Oath of Office. No formal Council action was taken.

<u>6. Conduct a public hearing to consider the application of Michael Coker requesting a change in zoning on approximately 10.4 acres, generally located on the northeast corner of Murphy Road and Blackburn Road, from Commercial 1 (C-1) to Planned Development (PD) District generally to allow additional commercial uses and Consider an ordinance for the same:</u>
Following staff briefing and opening statements from the applicant Michael Coker, Mayor Felix opened the public hearing.

Shauna Leicht, 1320 Edgemont, stated the proposal is a high volume gas station. She feels it will lower the quality of the neighborhood and devalue the homes.

John Bartish 1212 Westgate, stated the gas station needs to be on the highway The property should be zoned residential

Richard Miller 6505 Hilltop, stated the property has too much lighting. He's opposed to the project. It will increase traffic more than Blackburn Road can handle.

Ron Langham 6802 Southgate, feels the project will generate lots of traffic. The project will bring down the quality in the neighborhood. He is for medical offices and high quality restaurants on the property

Hal Ledbetter 6819 Fairfield, feels the project will increase smells, lights and traffic. He is opposed.

Juanita Miller 6505 Hilltop, does not like the lights, traffic and noise the project will generate.

Jim Becker 1105 Meadow Lane, feels traffic would not be a concern and noted the City needs the income from the project.

Gary Good 6716 Southgate, stated the gas station will devalue the property and is opposed.

Charles Sprague 1406 Westglen, distributes photos of area locations for RaceTrac gas stations and noted the proposed site is in the center of a residential area.

Steve Stanley 4408 Sachse Road, feels the project is in an appropriate location. He feels the City needs a good clean commercial operation.

Ben Frazier 6606 Hilltop, has concerns for noise, traffic, and mischief. He requested the project be denied.

Sean Walters 6810 Southgate, stated traffic at 7 a.m. is already bad. He is opposed.

Kathy Cobb 3820 Sixth Street, is in favor of the development. It will move the city forward and increase the tax base.

George Rudnik 1501 Westglen, has no problem with retail for restaurants and offices. He has a problem with a gas station.

Dave Scott 6708 Southgate, stated nothing has changes since last year's request. He stated there are at times many traffic short cuts thru the neighborhood.

William Chan 1410 Southbend, stated he is against the project.

Richard Squires 10453 Lennox, Dallas, is the owner of the property and has a right to develop the property

Councilman Timm moved to close the public hearing. The motion was seconded by Mayor Pro Tem King and carried unanimously

Following discussion, Mayor Pro Tem King moved to approve the application of Michael Coker requesting a change in zoning on approximately 10 4 acres, generally located on the northeast corner of Murphy Road and Blackburn Road, from Commercial 1 (C-1) to Planned Development (PD) District generally to allow additional commercial uses and Ordinance No 3265 with the stipulations of: a right turn lane into the property from the Eastern property line to Murphy Road to be completed in Phase I and using Austin stone masonry The motion was seconded by Councilman Timm and carried with Mayor Felix, Councilman Patterson and Councilwoman McMillan voting no.

The City Council recessed briefly from 10·03 p.m. until 10:23 p.m.

7. Conduct a public hearing and Consider the application of Carmen Rayner, requesting a Special Use Permit for Automotive Repair, Major on an approximately .5361 acre tract of land at 6531 Industrial Drive, on the west side of Industrial Drive, approximately 420 feet north of Park Lane and Blackburn Road and consider an ordinance for the same:

Following staff briefing and opening statements from the applicants Chris and Carmen Rayner, Mayor Felix opened the public hearing.

No comments were made.

Councilman Patterson moved to close the public hearing. The motion was seconded by Councilman Timm and carried unanimously

Following discussion, Councilman Patterson moved to approve the application of Carmen Rayner, requesting a Special Use Permit for Automotive Repair, Major on an approximately .5361 acre tract of land at 6531 Industrial Drive, on the west side of Industrial Drive, approximately 420 feet north of Park Lane and Blackburn Road and Ordinance No 3266 for the same. The motion was seconded by Mayor Pro Tem King and carried unanimously

8. Consider approval of alternative street section design for a commercial collector street in the Turnpike District:

Following discussion, Councilman Patterson moved to approve the alternate street design for 80' R-OW in color and allow landscaping in the median with a 7' curvilinear sidewalk. The motion was seconded by Mayor Pro Tem King and carried unanimously

9. Consider the request by Heritage Park Holdings, LLC for approval of a Preliminary Plat for Heritage Park Business Center, Tract 1, a 2 lot commercial property located on the east side of Miles Road and on the north side of President George Bush Turnpike:

Following discussion, Councilman Patterson moved to approve the Preliminary Plat for Heritage Park Business Center, Tract 1, a 2 lot commercial property located on the east side of Miles Road and on the north side of President George Bush Turnpike in accordance with the alternate street design approved earlier The motion was seconded by Councilman Adams and carried unanimously

10. Consider the request by Heritage Park Holdings, LLC for approval of a Preliminary Plat for Heritage Park Business Center, Tract 2, a 3 lot commercial property located on the west side of Merritt Road and on the north side of President George Bush Turnpike:

Following discussion, Mayor Pro Tem King moved to approve the Preliminary Plat for Heritage Park Business Center, Tract 2, a 3 lot commercial property located on the west side of Merritt Road and on the north side of President George Bush Turnpike and allow the alternate street design and as conditioned by staff. The motion was seconded by Councilman Smith and carried unanimously

11. Consider the request by Heritage Park Holdings, LLC for approval of a Preliminary Plat for Heritage Park Business Center, Tract 3, a commercial property consisting of 1 lot located on the north and west side of Pleasant Valley Road and on the south side of President George Bush Turnpike:

Following discussion, Councilman Timm moved to approve the Preliminary Plat for Heritage Park Business Center, Tract 3, a commercial property consisting of 1 lot located on the north and west side of Pleasant Valley Road and on the south side of President George Bush Turnpike. The motion was seconded by Mayor Pro Tem King and carried unanimously

12. Consider the request by Heritage Park Holdings, LLC for approval of a Preliminary Plat for Heritage Park Business Center, Tract 4, a commercial property consisting of 1 lot located on the north side of Pleasant Valley Road and on the south side of President George Bush Turnpike:

Following discussion, Mayor Pro Tem King moved to approve the Preliminary Plat for Heritage Park Business Center, Tract 4, a commercial property consisting of 1 lot located on the north side of Pleasant Valley Road and on the south side of President George Bush Turnpike. The motion was seconded by Councilman Timm and carried unanimously

13. Conduct a public hearing and Consider the application of Luke Arnold, requesting a Special Use Permit for Taxidermist on an approximately .58 acre tract of land at 7210 Highway 78, on the east side of Highway 78, approximately 250 feet south of Sable Lane and consider an ordinance for the same:

Following staff briefing and opening statements from the applicant Luke Arnold, Mayor Felix opened the public hearing.

No comments were made.

Mayor Pro Tem King moved to close the public hearing. The motion was seconded by Councilman Adams and carried unanimously

Following discussion, Councilman Timm moved to approve the application of Luke Arnold, requesting a Special Use Permit for Taxidermist on an approximately .58 acre tract of land at 7210 Highway 78, on the east side of Highway 78, approximately 250 feet south of Sable Lane and Ordinance No 3267 for the same with the Planning & Zoning recommendations attached. The motion was seconded by Councilman Smith and carried unanimously

14. Consider a resolution ratifying the SEDC Steak Kountry economic development agreement for facade improvements and landscaping to the Steak Kountry Restaurant located at 7010 S.H. 78, Sachse:

Following discussion, Mayor Pro Tem King moved to approve a resolution ratifying the SEDC Steak Kountry economic development agreement for facade improvements and landscaping to the Steak Kountry Restaurant located at 7010 S.H. 78, Sachse for first reading. The motion was seconded by Councilman Smith and carried unanimously

15. Consider a resolution ratifying the SEDC Steak Kountry economic development agreement for facade improvements and landscaping to the Steak Kountry Restaurant located at 7010 S.H. 78, Sachse (Second Reading):

Following discussion, Councilman Timm moved to approve Resolution No 3268 ratifying the SEDC Steak Kountry economic development agreement for facade improvements and landscaping to the Steak Kountry Restaurant located at 7010 S.H. 78, Sachse for first second. The motion was seconded by Councilman Smith and carried unanimously

16. Consider a license agreement between the City of Sachse and Florine Bowman for the City owned building and parking lot improvements located at 5560 S.H. 78, to operate a farmer's market:

Following discussion, Councilman Timm table Agenda Item No 16 The motion was seconded by Councilman Adams and carried unanimously

17. Consider appointment of Board of Adjustment Alternate member:
Following discussion, Councilman Smith moved to appoint Stephen Klash to the alternate position on the Zoning Board of Adjustments. The motion was seconded by Mayor Pro Tem King and carried unanimously

18. Consider a resolution awarding bid to A & M Construction and Utilities, Inc. based upon their bid of $737,000 for the water tank renovations project per bid specifications and authorizing the City Manager to execute the contract for the same:
Following discussion, Councilman Adams moved to approve Resolution No 3269 awarding bid to A & M Construction and Utilities, Inc. based upon their bid of $737,000 for the water tank renovations project per bid specifications and authorizing the City Manager to execute the contract for the same. The motion was seconded by Councilman Timm and carried unanimously

19. Consider a resolution awarding a contract for materials testing to Kleinfelder Central, Inc. in an amount not to exceed $10,000 for the water tank renovations project and authorizing the City Manager to execute the contract for the same:
Following discussion, Councilman Timm moved to approve Resolution No 3270 awarding a contract for materials testing to Kleinfelder Central, Inc. in an amount not to exceed $10,000 for the water tank renovations project and authorizing the City Manager to execute the contract for the same. The motion was seconded by Mayor Pro Tem King and carried unanimously

20. Consider an ordinance authorizing certain budget amendments pertaining to the Fiscal Year 2010-2011 Budget (Associated with the 5th Street water tank renovation); and providing an effective date:
Following discussion, Councilman Adams moved to approve Ordinance No 3271 authorizing certain budget amendments pertaining to the Fiscal Year 2010-2011 Budget (Associated with the 5th Street water tank renovation); and providing an effective date. The motion was seconded by Mayor Pro Tem King and carried unanimously

21. Adjourn to Executive Session pursuant to the provisions of Texas Government Code Section 551.072:

a. Discuss the purchase and value of various interests in real property for the Bunker Hill Road improvement project.

At 11 56 p.m. Councilman Timm moved to recess to executive session. The motion was seconded by Mayor Pro Tem King and carried unanimously

At 12.22 a.m. Councilman Timm moved to return to open session. The motion was seconded by Councilman Patterson and carried unanimously

22. Consider any action necessary as a result of executive session regarding the acquisition and purchase of interests in real property for the Bunker Hill Road project including, but not limited to, consideration and action on one of more of the following resolutions:

a. Resolution declaring a public necessity exists and finding a public use and purpose for the acquisition of tracts of land of 0.298 acres and 0.069 acres or a public street and utility right of way, and a temporary construction easement, respectively out of the Robert McCullough Survey, Abst. No. 928, Dallas County, Texas; providing for a last and final offer and authorizing eminent domain proceedings (Heritage Park Holdings, LLC Tracts) :

Following discussion, Councilman Timm moved to approve Resolution No 3272 declaring a public necessity exists and finding a public use and purpose for the acquisition of tracts of land of 0.298 acres and 0 069 acres or a public street and utility right of way, and a temporary construction easement, respectively out of the Robert McCullough Survey, Abst. No 928, Dallas County, Texas, providing for a last and final offer and authorizing eminent domain proceedings (Heritage Park Holdings, LLC Tracts) and authorize a final offer of $38,949 The motion was seconded by Mayor Pro Tem King and carried unanimously

There being no further business, Councilman Smith moved to adjourn. The motion was seconded by Councilman Timm and passed unanimously The meeting adjourned at 12.25 a.m.

ATTEST

CITY SECRETARY

APPROVED·

MAYOR