



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.

Tuesday, June 17, 2008

5:30 PM

Municipal Building - 4000 Main Street

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 Harper called the meeting to order at 5:30 p.m.

Present: Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

CONVENE INTO EXECUTIVE SESSION

Convened into Executive Session at 5:30 p.m.

2. EXECUTIVE SESSION

2.-A.

The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.074(a)(1), Personnel, to deliberate the appointment, employment, evaluation, assignment, duties, of the City Manager and to consider City Manager search options. (15 minutes)

Mayor Pro Tem Gottel stated "I move that the Council approve an agreement with Government Resource Strategies dba SGR Executive Search to locate the new City Manager under terms set forth in their program and authorize the Mayor to sign any written agreement on behalf of the City.

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Phillips, that this matter be approved. The motion carried by the following vote:

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

2.-B.

The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.074(a)(1), Personnel, to deliberate the appointment, employment, evaluation, assignment, duties, of the City Manager and to consider an employment agreement for the Interim City Manager. (10 minutes)

Mayor Pro Tem Gottel stated "I move that the Council approve a written agreement with George Harris to appoint him as Interim City Manager under the terms discussed in

Executive Session and authorize the Mayor to sign the agreement on behalf of the City."

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Jackson, that this matter be approved. The motion carried by the following vote:

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

- 2.-C. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 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.-D. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 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.-E. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.072 to seek legal advice from the City Attorney regarding IESI Contract. (10 minutes)
- 2.-F. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.072 to discuss with the City Attorney potential litigation, real property deliberations and acquisition of property to wit: Elgin B. Robertson Park. (10 minutes)

Mayor Pro Tem Gottel stated "I move that the Council approve an extension of the Letter of Intent to explore and negotiate the possible acquisition and land development of the northern part of Elgin Robertson Park and authorize the City Manager to sign the agreement incorporating the terms discussed in Executive Session subject to the City Attorney's approval.

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Rushing, that this matter be approved. The motion carried by the following vote:

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

- 2.-G. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 and §551.072 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.-H. The City Council shall convene into executive session pursuant to the TEXAS GOVERNMENT CODE, §551.071 to seek legal advice from the City Attorney and discuss litigation related to CITY OF ROWLETT vs. SITE CONCRETE. (5 minutes)

RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 6:46 p.m.

3. WORK SESSION ITEMS (6:30 P.M.)

3.-A. Update from the Mayor. (10 minutes)

This item was discussed with Item 7A.

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

Craig Owens brought forth a PowerPoint presentation for the Results for Rowlett: Report on Progress and Activities, June 17, 2008 (35 page PowerPoint presentation).

Top Priorities

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

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.*
- *Animal Control Violations - Thru May 2008*
- *Top 5 violations (Tier 1) - Closed Issues thru June 6*

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.*
- *Business Retention and Expansion*
 - *Attended National Tire and Battery ribbon cutting and grand opening*
 - *Continue to work with local prefabricator business on expansion opportunities*
 - *Continue to work with local restaurant owner for expansion*
 - *Met with Industrial Park business owners to address vandalism concerns and road construction*
- *Infrastructure*
 - *Working with city staff regarding exits on PGBT near the Lake Ray Hubbard Bridge*
 - *Working with a developer to address creek issues on development site*
 - *Working with developer to address culvert issues and access points to a site*
- *Marketing*
 - *Second meeting with developer to consider sites for Mix Use development*
 - *Met with Greenway Investments on Hwy 66 and future PGBT site topography concerns and possibilities*
 - *Continue working with Weitzman group on development*
 - *Met with developer for potential partnership of several City owned properties*
 - *Super One site is scheduled for sealed bid on June 20; several opportunities for the site are being considered*
 - *Met with developer for continued development of Luke's Landing*
- *Planning*

- The following Pre-application meetings have been held:
 - Proposed 60,000 square feet shopping center with retail and restaurant uses adjoining existing Super One building at south east corner of Dalrock and Lakeview Parkway
 - Proposed 23,000 square feet shopping center with retail and restaurant uses at Lakeview Parkway and Kirby Road
 - Proposed 10,000 square foot restaurant/retail center in front of existing mobile home park on Lakeview Parkway west of Dalrock
- Development Process
 - The following projects have been received by the Planning Department:
 - French Commercial Development Plans - 3506 Dennis. Mixed-Use Retail, Office, and residential

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.
- Parks/Recreation Opportunities
 - Working on enhancing drainage at Katy Railroad Park
 - Airfield monitoring and inspections being performed
 - Staff evaluating sites and impact of Paintball Park proposal
 - Staff continues to meet with Hunts Sport Group (FC Dallas)
 - Short survey developed for park quests to measure users expectations
 - Working with Adult Softball on ideas to enhance efficiency and cost effectiveness
 - Working with Rowlett Youth Soccer Association on grant for soccer field
- Wet Zone
 - Began daily operation schedule at Wet Zone
 - Attendance up 37% to 11,521 guests
 - Revenue up 32% to \$212,000
 - Open 14 actual operating days
- RCC
 - City has partnered with Special Olympics and Camp Shriver to offer 2 one week sessions of summer camp for our area special needs children
 - The first Camp Shriver to be held in the Greater Dallas Area
 - Camp will meet July 21-25 and July 28 - August 1
 - There are only 5 of these camps throughout the state of Texas
 - RCC Membership Renewal Coupons (10% off renewal) have been successful
 - Summer Coed Volleyball League play began on June 6; Summer Men's Basketball League play began on June 2. The leagues schedules, scores, and standings are located on the athletic website www.quickscores.com/Rowlett
 - Rowlett Youth Track and Field Club information ~ www.rysf.org
 - Rowlett Youth Baseball Association information ~ www.rowlettbaseball.com
 - Rowlett Youth Soccer Association information ~ www.rowlettsoccer.org
- Libraries and Learning
 - New lighted outdoor sign donated by Friends of the Library in use to advertise Summer Reading programs
 - Four seasonal employees hired with grant funds from the Texas State Library's Loan Star Libraries program; will be working part time during the SRP
 - Summer Reading Program ~ June 10 - August 2
 - Statistics for first day

Gate count: 1595	Checked in: 1402
Checked out: 2162	New borrowers: 40
Used in house: 347	Reading logs issued: 327 children, 60 teen

Environment

- To provide and promote environmental resource management services in order to ensure health and welfare, and to preserve the environment for our community.

- Crews continue routine maintenance
 - Exercising valves and fire hydrants
 - Preventative maintenance at all stations
 - Jetting sewer lines

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.
- DART
 - Town Hall Meeting for DART
 - Held Wednesday ~ June 4 ~ app. 60 people in attendance
- NTTA
 - NTTA announced at Partnership Luncheon
 - They would receive Environmental Clearance within 10 days
 - Construction to start in 30 days
- CIP Update: Word on the Street
 - Kenwood Heights:
 - Culvert along Kenwood from Long Branch to the channel between Cypress and Maple is complete.
 - Water and sewer being installed on Pine and Willow.
 - Kenwood from Cypress to Maple will be closed until late June for completion of intersections.
 - Estimated completion date - April 2009
 - Project is 32% complete
 - Point Royal Estates:
 - Driveways are currently being installed along the east side of Point Royal.
 - The other half of Point Royal will be paved after the driveways have been installed on the paved section.
 - Cedar view will be the next street paved, followed by Pecan and Elm Crest.
 - Estimated completion date - December 2008
 - Project is 43% complete
 - Miller Road Phase 1:
 - Contractor continues to install paving of intersections and side streets.
 - Signal installation continues at Rowlett Rd. and Carla.
 - Estimated completion date - July 2008
 - Project is 85% complete
 - Rowlett Road Phase 1:
 - Contractor has completed installation of waterline along Enterprise and SH 66.
 - The lime and cement stabilization is complete for the northbound lanes and lanes have been paved.
 - Paving at the intersection of Main & Rowlett Rd. and Rowlett Rd. at the railroad tracks remains to be paved.
 - The asphalt transition on the west side of Main St. at Rowlett Rd. is complete to allow two-way traffic.
 - Project is 68% complete
- Asphalt and Concrete Street Reconstruction: (reconstruction includes asphalt for asphalt & concrete for concrete)
- Work complete:

Merritt Rd.	Old Rowlett Rd.	Schrade Rd.	S. Chiesa Rd.
Miller Rd.	Main St.	Dexham Rd.	N. Chiesa Rd.
Chaha Rd.	Liberty Grove Rd.	Garner Rd.	
Pecan Ln.	Dalrock Rd.	Castle Rd.	
- Asphalt and Concrete Street Reconstruction:
- Work in progress:

Toler Rd. improvements are underway and scheduled to be complete by mid-July.

- *Alley Improvement Projects:*
 - *Construction is planned to begin July after a neighborhood meeting is held in June.*
 - *Alleys included:*

<i>Brownlee Dr.</i>	<i>Grant</i>	<i>Pebble Beach Dr.</i>
<i>Chesham</i>	<i>Highgate Ln.</i>	<i>Vernon Dr.</i>
<i>College Park Dr.</i>	<i>Mariner Dr.</i>	<i>Willowbrook</i>
<i>Deerwood</i>	<i>Mediterranean Dr.</i>	

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:*
 - *Five officers recently completed basic Crime Prevention*
 - *Neighborhood meeting held on June 12 in the Ridgecrest and Westwood Estates subdivisions*
 - *Interest in starting a Neighborhood Crime Watch Program*
 - *Graffiti problems in that neighborhood and Highpointe Industrial Park*
- *Police Reported Accidents: All Accidents*
- *Police Reported Accidents: Injury Accidents*
- *Police Response Times Comparison: All Calls*
- *Police Response Times Comparison: Priority 1 Calls*
- *Fire*
 - *Fire Rescue: Structure Fires - Property Loss*
 - *Fire Rescue: Response Times*
 - *Fire Rescue: Number of Structure Fires*
 - *Fire Rescue: Percentage/Fire Containment*

Other Activities

- *Community Budget meetings scheduled for June*
 - *June 16 ~ 7 PM ~ Held first Budget meeting ~ Staff answered residents' questions*
 - *June 18 ~ 7 PM ~ Waterview Golf Clubhouse ~ 9509 Waterview Pkwy.*
 - *June 23 ~ 7 PM ~ Fire Station #4 ~ 6800 Rowlett Rd.*
 - *June 24 ~ 7 PM ~ Cullins-Lakepointe Elementary School ~ 5701 Scenic Dr.*
- *14th Annual Festival of Freedom ~ June 28 & 29*
 - *Kevin Fowler ~ June 28 & Eddie Money ~ June 29*
- *Partnership Luncheon w/Chamber of Commerce ~ June 11 ~ approximately 150 attended ~ Presentations by NTTA and Department Directors*
- *Town Hall meeting ~ held June 5 ~ approximately 30 residents attended*
 - *Mayor Pro Tem Gottel and Councilmembers Jackson and Phillips took questions and comments*

3.-C.

Discussion on updating the Guiding Principles for the 2008-2009 Budget. (10 minutes)

This item was presented first during the Work Session.

Council suggested the removal of "Every department and every program in the City will be reviewed to determine whether re-organization or elimination is needed. Any position eliminations will be done through attrition or reassignment." from the Guiding Principles; Council emphasized to the City Manager and staff that any changes in organization are done through attrition, rather than through terminations.

Council questioned staff regarding water rate increases; suggested increases in costs be passed through to the customers should the water rates increase (the City would not absorb the increased costs as they did this past fiscal year).

3.-D. Discussion on the formation of a Bond Committee. (5 minutes)

Council requests citizens who wish to be on the Bond Committee to complete an application and return it to the City Secretary's office.

The informal Bond Election Survey provided seven (7) different topics as high-priorities. They include: Roads/Streets, Parks & Recreation, Library, Water/Sewer, Sidewalks/Alleys, Drainage, and Facilities, Lakeshore Enhancement, City Landscaping, Economic Development.

3.-E. Presentation and discussion on options for Graffiti abatement. (10 minutes)

Staff presented Council with three (3) options for Graffiti abatement:

- *Implement a policy that if graffiti is reported by a property owner or discovered by the City, the City would pay for basic abatement*
 - *Requirements*
 - *Owner would have to use an authorized contractor*
 - *If the owner declines the service, they must abate the graffiti themselves in accordance with the existing ordinance.*
- *Donated paint and materials could be provided by the City to the property owner to cover the graffiti*
- *City employees could take on the additional responsibility of graffiti abatement; although this would impact other services currently being provided*

Council asked if there was a reward system for turning in suspects.

Staff answered there is a reward available through Crimestoppers, and Keep Rowlett Beautiful has offered to pay a reward for an incident of graffiti when it leads to an arrest.

Staff stated the only effective way to stop graffiti is to take away the bragging rights by abating the graffiti quickly.

Council asked the approximate cost for this service and stated by consensus they would like to see the City's assets used to prevent tagging.

3.-F. Discussion regarding IESI Fuel surcharge. (10 minutes)

Staff stated the requested increase is a reasonable figure.

Council asked staff the annualized cost for this increase.

Staff stated to finish this current year, the cost will be approximate \$50,000; staff's recommendation is to absorb the increase for this fiscal year and to put the additional funds in the budget for the next fiscal year and beyond; stated discussions are ongoing with IESI to mitigate this.

Council encouraged IESI to look for more efficient routes to conserve fuel.

- 3.-G. Discuss updating policies regarding Councilmembers reimbursements of reasonable expenses. (5 minutes)

Council stated the Mayor should have the same resources (gas reimbursements, travel expenses, etc.) and the same productive tools (cell phone, blackberry, etc.) as the City Manager.

Requests the City Manager and City Secretary update this ordinance.

- 3.-H. Presentation of the relocation of the Coyle House to Pecan Grove Park. (10 minutes)

Vernon Schrade spoke regarding the history and the need to preserve the Coyle House.

Staff stated for the J. E. Coyle Farmstead (house and several associated out-structures) to be eligible to be registered as a Historical Place it must be moved in the special relationship that they currently reside in. Three (3) sites were identified early in the Environmental Impact Statement. They include the downtown area under the water tower, Herfurth Park, or Pecan Grove Park.

Council asked if the City received the Final Environmental Impact Statement.

Staff answered in the affirmative.

Rick Herrington, North Texas Tollway Authority (NTTA), to use an alternative site other than Pecan Grove Park, the project would be delayed approximately twelve (12) to eighteen (18) months.

Council stated they are encouraged that the NTTA will take all steps to make sure the impact to Pecan Grove Park is minimal.

- 3.-I. Discussion of proposal from the Rowlett Chamber of Commerce to employ the use of the City's allotted golf tournament. (5 minutes)

Staff stated the Chamber of Commerce would like to use the City's allotted golf tournament at Waterview Golf Course; in return, the Chamber of Commerce would give the City a donation of \$15 per player.

Council stated they would like input from the Golf Advisory Committee.

4. **DISCUSS REGULAR SESSION ITEMS**

Work Session adjourned at 7:53 p.m.

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

Convened in the Council Chambers at 7:59 p.m.

Mayor Harper requested a moment of silent prayer for fallen soldier U.S. Airborne Ranger Specialist Thomas Franklin Duncan III, a former Rowlett resident.

5. INVOCATION

The invocation was led by Mayor Pro Tem Gottel.

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Harper.

7. PRESENTATIONS AND PROCLAMATIONS**7.-A. Update from the Mayor.**

This item followed the plaque presentation to City Manager Owens.

Mayor gave a brief update regarding the Council and staff weekend retreat; the President George Bush Turnpike (PGBT); Groundbreaking Ceremony for the PGBT in late June or early July; the Dallas Area Rapid Transit (DART) Light Rail Extension; the final public hearing for the extension of the DART Light Rail from Garland to Rowlett; four (4) Community Budget meetings; Budget Workshops will be held during the month of August; public hearing for the next fiscal year budget will be on September 2nd and September 16th; the formation of the Bond Committee; appointed by Dallas County Judge Jim Foster to serve on a Criminal Justice Planning and Advisory Council; a Rockwall County Early Voting site will be at Lakepointe Hospital upon the approval of the Rockwall County Commissioners; and the Festival of Freedom will be on June 28th - 29th.

At this time, Item 3B was presented.

7.-B. Proclamation for Eagle Scout Taylor Perkins.

Mayor Harper and City Manager Owens presented a proclamation to Taylor Perkins.

7.-C. Proclamation to honor Terry Hauck.

Item 7C was the first item presented during the Presentations/Proclamations.

Mayor Harper presented a proclamation to the Hauck family in honor of Terry Hauck.

7.-D. Presentation of the winner of the Paul Brunelle Memorial Scholarship and Proclamation.

This item followed Item 7B.

Mayor Harper presented a proclamation to Keep Rowlett Beautiful for the Paul Brunelle Memorial Scholarship.

- 7.-E. Presentation of the 2007 Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association.

This item followed Item 7D.

Delores Greenwald, Director of the Sachse Public Library, awarded the 2007 Achievement of Excellence in Libraries Award to the Rowlett Public Library.

At this time, Mayor Harper adjourned the City Council meeting at 8:23 p.m. and presented City Manager Owens with a plaque. The meeting was called back to order at 8:25 p.m.

8. CITIZENS' INPUT

1. *Vernon Schrade, 2727 Main Street, spoke regarding the relocation of the Coyle House.*
2. *Bill Brewer, 8001 Schrade Road, spoke regarding the relocation of the Coyle House.*
3. *Wayne Baxter, 3413 Orchid Lane, spoke regarding the relocation of the Coyle House.*
4. *Laurieann Dygowski - 7242 Liberty Grove, spoke regarding the relocation of the Coyle House.*
5. *Michelle French, 6101 Magnolia Lane, spoke regarding the relocation of the Coyle House.*
6. *Rick Herrington, NTTA, spoke regarding the relocation of the Coyle House.*
7. *John Teel, 9010 Chimneywood Drive, spoke regarding the relocation of the Coyle House.*

9. CONSENT AGENDA

Mayor Harper 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.

Items 9F, 9G, and 9H were removed from the Consent Agenda to be considered individually.

City Secretary read items into the record.

- 9.-A. Consider approving minutes from the May 27, 2008 Special Council Meeting, the June 2, 2008 Special Council Meeting, and the June 3, 2008 Regular Council Meeting.

This Matter was approved on the Consent Agenda.

- 9.-B. Consider a resolution authorizing the final acceptance of the improvements and release of the retainage and final payment to Classic Protective Coatings, Incorporated in the amount of sixty-five thousand six hundred seventy-four dollars and twenty-three cents (\$65,674.23) for the refurbishing of the Martha Lane and Eula Elevated Water Storage Tanks.

This Matter was adopted as RES-065-08 on the Consent Agenda.

- 9.-C. Consider a resolution authorizing payment in the amount of three hundred thirty-six thousand seven hundred twenty-three dollars and fifty-nine cents (\$336,723.59) to Dallas, Garland, & Northeastern Railroad, Inc. (DGNO) for the removal of the temporary railroad crossing arms and signals; and the installation of permanent railroad crossing arms, signals, electronic and communication equipment at the intersection of the DART railroad ROW and Rowlett Road.

This Matter was adopted as RES-066-08 on the Consent Agenda.

- 9.-D. Consider a resolution approving a Facilities Agreement with Abstract 225 No. 1 L.P. for the construction of approximately 1,530 feet of 12-inch water line starting at approximately 266' north of Castle Road around the corner approximately 1251' south along Rowlett Road terminating at Katherine Street.

This Matter was adopted as RES-067-08 on the Consent Agenda.

- 9.-E. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with Dallas County for the reconstruction of Castle Road from Miles Road to Merritt Road and Chiesa Road from Liberty Grove Road to approximately 1,500 feet south of Liberty Grove Road.

This Matter was adopted as RES-068-08 on the Consent Agenda.

Passed The Consent Agenda

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

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

- 9.-F. Consider a resolution approving the purchase of additional fire protective clothing (bunker gear) for Fire Rescue in the unit amounts bid and an estimated annual amount of twenty-nine thousand seven hundred nine dollars (\$29,709) from Casco Industries through the inter-local purchasing agreement with the City of Richardson.

Mayor Harper read the item into the record.

George Harris, Fire Chief stated "The actual amount is in the \$3,000 range; the \$29,000 is the total amount for the year. There was \$25,000 plus budgeted for the item for the year

and this puts us over budget in that amount. So the actual expenditure is about \$23,000 but we're bringing it to Council because it's going over."

Mayor Harper stated "So what you're asking for in this resolution is an additional \$3,000 to \$4,000?"

Chief Harris responded "That is correct."

Mayor Harper stated "Ms. Rushing, did you have a question?"

Councilmember Rushing stated "Yes, Chief; I just have to ask you a question while you're Fire Chief. I just had a question that had been relayed to me by a citizen. Do we buy each fireman new bunker gear each year? And if we...what do we do with the old bunker gear and why do we need more gear than expected this year?"

Chief Harris replied "To answer your first question, no, we do not buy new gear for each firefighter every year it's replaced as necessary. We make sure that it meets the standards that are required by the Texas Commission on Fire Protection; they perform an annual inspection on the department each year. We have certain State and Federal standards that we have to meet for protective gear. One of the standards is for fit; that it has to fit properly to provide protective enclosure for the firefighter. That means that it can't be too long or too short; there's a vapor barrier in there to keep from having steam burns in very hot environments. And all that has to be fitted properly to each individual firefighter. We do have some extra sets in stock and we make every effort to use those as long as they're still in compliance where we have new firefighters or when we have damaged gear. If a firefighter has his gear damaged in a fire and we have to replace it, we try to use some of the gear that we've retired from having a firefighter...we had two (2) firefighters retire. We retain their gear and we re-issue it, if at all possible, if it fits. The three (3) new firefighters we just hired didn't fit any of the existing gear that we have and that's why we have to buy them new gear."

Councilmember Rushing stated "Thank you."

Mayor Harper stated "Any other comments or questions, Council?"

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Rushing, that this matter be adopted as RES-069-08. The motion carried by the following vote:

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

9.-G.

Consider a resolution approving the request to increase the fuel surcharge for IESI TX Corporation.

Mayor Harper read the item into the record.

Mayor Harper stated "Councilwoman Rushing, let me start with you. What is your specific question or comment?"

Councilmember Rushing stated "I think we've got a very complete presentation during the Work Session and anyone could listen to that as it was recorded for the television viewers."

But I just wanted to make one comment. I know that everyone knows that the cost of fuel has increased. In our own personal lives we make every effort to conserve fuel and although I don't disagree with issuing this and letting IESI pass through the fuel increases to our customers, I would like to encourage them to be as efficient as they possibly could with the fuel. I have watched the operation; I personally called for a bulk trash pickup, they drove through my neighborhood four (4) times before they finally picked it up. I believe there could be a lot of effort made to conserve fuel and I would totally encourage them to make more efforts to conserve fuel. Thank you."

Mayor Harper replied "Thank you, Ms. Rushing. Council, any other comments or questions? Mr. Maggiotto."

Deputy Mayor Pro Tem Maggiotto stated "Thank you, Mayor. Question for staff."

Mayor Harper stated "Engineering, Finance, which would it, be?"

Deputy Mayor Pro Tem Maggiotto replied "It would be Finance based on a comment that Councilman Kilgore made during the Work Session. The sixty-six cents (66¢) additional charge, how was that benchmarked? Does that benchmark on let's say today's increase or is the sixty-six cent (66¢) trying to make up ground over the last year? In other words, if the cost of fuel were to drop next week, do I get to drop the sixty-six cents (66¢) or some portion thereof?"

Brian Funderburk, Director of Financial Services stated "What this was based on was the fuel prices as of October 1, 2007. So it's an incremental difference between the prices they were seeing in early May compared to October 2007 and then that cost was spread out on a monthly basis over all of our customers. And they approximated that sixty-six cents (66¢) per household. And then I think there was a change on the roll offs at nine dollars and eighty-seven cents (\$9.87) and then the weekly yard will be thirty-two cents (32¢) per weekly yard."

Deputy Mayor Pro Tem Maggiotto replied "So the answer to my question is the sixty-six cents (66¢) does represent some cost recovery for past fuel increases."

Mr. Funderburk responded "No, no, no. It would be going forward. The calculation starts back in October to say that 'we want to recoup this distance, what the price is today, we want to increase the fuel charge from this price to this price and start that on June 1st and going forward'. They will not be going back to the previous months; we are not going to reimburse them for February or January or December. It will start of June 1st."

Deputy Mayor Pro Tem Maggiotto stated "So if the price of fuel were to drop next week, I could remove the sixty-six cents (66¢), correct?"

Mr. Funderburk replied "If fuel was to...I would say this, it has gone up since early May, but if it was to drop back below this level, then we could expect IESI to reduce that price going forward."

Deputy Mayor Pro Tem Maggiotto stated "And what would be your expectation on incremental trends, i.e. over the next eight (8) weeks or twelve (12) weeks if the price starts to go down?"

Mr. Funderburk replied "The contract actually speaks to it monthly; they can base that on a monthly basis."

Deputy Mayor Pro Tem Maggiotto replied "Thank you."

Mayor Harper stated "Mr. Kilgore, did you want to speak?"

Councilmember Kilgore replied "Yes, Mayor, thank you. A question for you, Mr. Funderburk and I guess following up on Mr. Maggiotto's comments. Is there anything in the provisions here that provides a clear benchmark for reducing this surcharge when the surcharge is no longer applicable?"

Mr. Funderburk stated "The contract actually specifies going either way. And it is specific to that."

Councilmember Kilgore stated "The other thing I had was a comment just to make it clear. Their right to recover this is contractual in nature and it's not like we have any choice, it's in the contract. They get the fuel surcharge."

Mr. Funderburk replied "That is correct, sir."

Councilmember Kilgore continued "It's not like we're giving them anything."

Mr. Funderburk replied "That is correct."

Councilmember Kilgore stated "That's all I have Mayor."

Mayor Harper stated "Thank you, Mr. Kilgore. Council, any other questions or comments?"

A motion was made by Mayor Pro Tem Gottel, seconded by Councilmember Kilgore, that this matter be adopted as RES-070-08. The motion carried by the following vote:

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

9.-H.

Consider an ordinance amending the Code of Ordinances to ban the use of hand-held communication devices while driving in active school zones.

Mayor Harper read the item into the record.

Mayor Harper stated "Chief, if you'll just hold on, we'll ask Ms. Rushing what her question is."

Councilmember Rushing stated "Again, I think we've hashed this one over during Work Session several times but I would just like for you to make it clear that this is hand-held communication devices; that the hand-free devices are still...we can still use them and then I would like you to clarify how we are going to publicize this to the public."

Mayor Harper read the item into the record.

Mayor Harper stated "Chief, if you'll just hold on, we'll ask Ms. Rushing what her question is."

Councilmember Rushing stated "Again, I think we've hashed this one over during Work Session several times but I would just like for you to make it clear that this is hand-held communication devices; that the hand-free devices are still...we can still use them and then I would like you to clarify how we are going to publicize this to the public."

Chief Walling replied "Yes, ma'am, you are correct that hands-free devices with the ear bud or the piece that is place on the ear or one that is built into the car that you don't have to hold up to your ear will be still usable within active school zones. And we plan to have a two (2) week warning period prior to it actually being implemented; we're not sure now considering the day if we'll have the signs up and posted at all the school zones before the start of school, but we'll start at the start of school with an education program with the kids in sending things home with the parents letting them know that it will be coming. Then we'll have a two (2) week warning period once the signs are up to let everybody know that it is in place before we start actually enforcing it."

Councilmember Rushing stated "Thank you; I believe sending the material home with the children since that's...it's their parents that are driving in those school zones usually."

Chief Walling stated "And we will utilize the normal City avenues such as the cable access channel, as well as, the newspapers."

Councilmember Rushing stated "I think we've done a very good job in the last year or so in enforcing the school zones; and I think this will just increase the safety for the children around the schools. Thank you."

Mayor Harper stated "Thank you, Ms. Rushing. Mr. Gottel."

Mayor Pro Tem Gottel stated "Matt, I have one (1) question for you too. If you don't mind."

Chief Walling replied "Yes, sir."

Mayor Pro Tem Gottel stated "On the terms of enforcement itself, you had mentioned about being proactive and there's a small window basically, you said a few weeks where you'll be going in. Is your thought that you'll actually stop people or just actually have officers stationed at the specific schools and if they see someone they'll just walk up to the vehicle as they're dropping the children off? Or how do you see that?"

Chief Walling responded "For the warning period, sir?"

Mayor Pro Tem Gottel replied "Right, for that warning period."

Chief Walling stated "For the warning period, if we see somebody in violation of the ordinance, we'll stop them just like if they were speeding in the school zone, and advise them of the ordinance."

Mayor Pro Tem Gottel replied "Okay, great. Thank you."

Mayor Harper stated "Any other comments or questions?"

Deputy Mayor Pro Tem Maggiotto stated "Just to be clear, it is a moving violation as opposed to sitting in your car in a school zone talking on the telephone?"

Chief Walling replied "That...well, in a lane of traffic. Yes, sir; if you're legally parked you may talk on your cell phone."

Deputy Mayor Pro Tem Maggiotto replied "Thank you, Chief."

Mayor Harper stated "And I do hope that will be a part of the education process because that's a very salient point. You've got to be legally parked or else you're in a moving lane."

Chief Walling responded "Yes, sir. That is correct."

Mayor Harper stated "Then that changes everything. Okay, thank you, Chief. Anything else, Council?"

A motion was made by Councilmember Phillips, seconded by Councilmember Rushing, that this matter be adopted as ORD-014-08. The motion carried by the following vote:

Ayes: 7 - Mayor Harper, Mayor Pro Tem Gottel, Deputy Mayor Pro Tem Maggiotto, Councilmember Phillips, Councilmember Rushing, Councilmember Jackson and Councilmember Kilgore

10. ITEMS FOR INDIVIDUAL CONSIDERATION

10.-A. Consider a resolution approving or denying the appeal from Lakepointe Pharmacy CUP.

Mayor Harper read the item into the record.

Mayor Harper stated "As I understand it, Mr. Kilgore, are you going to participate in the conversation or just abstain from the voting?"

Councilmember Kilgore replied "I will not participate and will abstain."

Mayor Harper stated "All right. Mr. Jackson?"

Councilmember Jackson replied "I will abstain too."

Mayor Harper stated "So, you'll both stay on the dais but not participate in the deliberations. That's fine. For the citizens that are watching and those who are present, they had determined personally that there is a conflict of interest. There is no legal conflict of interest in their situation; both of them served on the Planning and Zoning Commission when this was considered. As a result, they made a personal decision not to participate in the deliberation or voting since they've already considered it one time. So, in this instance we still have five (5) members of Council, that constitutes a quorum and with that, Ms. Samford, do you have a presentation?"

Keri Samford, Director of Planning and Community Development stated "On April 22, 2008, the Planning and Zoning Commission approved a Conditional Use Permit (CUP) for Lakepointe Pharmacy. The applicant has formally objected to one of the conditions placed upon the project by the Planning and Zoning Commission; this is the rod-iron fence and living screen condition that was imposed. They have officially appealed this decision. We have not heard an appeal before. The appeal process goes to the City Council to hear at which time you'll make a decision. We had much discussion at the Planning and Zoning Commission that evening; we had great input from the neighborhood surrounding and great debate within the Planning and Zoning Commission and very good interaction with all who

were there. And with that, that's how they put the condition on it. We have sent out notifications to...about twenty-five (25) notifications; we've received six (6) back in favor and six (6) back opposed to the appeal process. I'm available for any questions if you have them. And I believe there's a representative from the applicant here tonight, as well."

Mayor Harper stated "I suggest that Mr. Teel be given an opportunity to speak at this point with Council and then we can call both back for questions and answers; if that's appropriate. Are you all right with that? Mr. Teel, come forward please."

John Teel, 9010 Chimneywood Drive, Rowlett stated "I hope in your packet you received a memorandum from me and my wife dated June 7th, I believe. It goes into some detail about the concerns we have. I would start by stating that we've expected for a dozen years some economic development there, so we're excited about that and this seems like a prudent type of land use and a wise type of land use; so we support that. In order to draft a CUP ordinance that protects quality of life for especially those of us closest to the development, my wife and I would ask that Council seriously consider the fifteen (15) technical provisions in my memo to Council dated June 7th. And I won't go into all of those because I hope you have that document and it would take too long to read them, Mayor. We would also request the shortest possible term for the CUP ordinance and I don't...I apologize for not knowing what that is; if it's two (2) years or five (5) years, we would request the shortest term so that citizens could come back with re-dress after that first CUP expired. And finally, what I'd like to say is if that CUP ordinance is properly written by staff and approved by the City Attorney's office and approved by Council, it will meet three (3) of the objectives that I sought tonight and documents about my City and your City, and that would be neighborhood quality. It would certainly be good if it's developed. Economic development that would enhance the community sense of home. Thank you."

Mayor Harper stated "If you would stay available, we might have a question for you later. Is the owner or owners' representatives present? Please come forward."

Jeff Peters, Quantum Builders, and Taoreed Badmus, Consulting Engineer with BDS Technology came forward.

Mr. Peters stated "We have designed this project and the Council came back with the living screen situation which created significantly greater challenges to develop the site. The living screen requires a mounding at the back of the site; it also requires large trees and requires an iron fence across there. We designed the project with a masonry wall as is per the Development Code and meets the Development Code. The living screen is going to cost somewhere between \$32,000 and \$36,000 more than the masonry fence that we developed into it. We have already run into significant cost overruns on this particular site due to the water department's requiring us to put in an extra one thousand five hundred (1,500) lineal feet of 8-inch water main, in addition, to additional extensions of sewer mains coming off the back neighborhood. I want to point out that this is a wall that is aligning an alleyway and all of these houses have fences there; there are very few windows that would even be able to see the wall. I also want to point out that this is a pharmacy which has significant security issues and the masonry fence, not being able to see through it, is a big deal. There are many people who would like to break into a pharmacy and we would like to protect against that. In addition to that, the mounding at the back of this site for this living screen would cause us significant problems with site drainage, which is a challenge on this site as it is. So, all of those factors considered, it's a significant cost increase to us to go to a living screen over the masonry screen that we had proposed. We sent pictures of the proposed masonry screen; I brought some with me in case you have not seen those pictures yet. Basically, it is a very good looking wall. There's no reason why anybody would object to this wall. This wall has been utilized in Rowlett in many locations already. So I see no reason why it should not be accepted here."

Mr. Badmus stated "In addition, I'd like to point out that nobody represented the developer at the hearing that was held. Much to our surprise, we thought this was a slam dunk because the wall complies with the rules and the regulations. There was...we took great pains to make sure this design was in compliance and it was with dismay when we found out a big restriction like this was enforced on this development. I'd like to say that the cost places a great deal of challenge for us to move this development forward; and I'd like to appeal to the board to rescind this decision. More so since this wall aligns an alleyway, it provides security for the neighborhood, as well as, the pharmacy and it's a good looking structure. Thank you."

Mayor Harper stated "Council, questions? Ms. Rushing."

Councilmember Rushing stated "I'd like to ask our staff representative, Keri Samford. How high is the mounding that is required and does it have to be...I thought the berming was only required in the front? Is it required in the back?"

Ms. Samford replied "We don't require berming in the back; however, that may be something in planting the living screen. However, there just down at the end of Scenic and Highway 66, there has been a living screen and rod iron fence put in down there as well. I'm unfamiliar with the type of mounding that would need to be put in. Maybe the applicant can address that."

Mr. Peters stated "The mounding that is required for the living screen can be from one (1) to five (5) feet in height. We cannot put anymore than a one (1) foot mound just because of the landscaped area available to us with the one (1) and three (3) sloping. Even at the minimum size mound required by a living screen, we are encroaching into our easement...beyond our easement at least one (1) foot which cuts down our developable land, as well, and cuts into our driveway area."

Mr. Badmus stated "Specifically, the landscape buffer required within the ordinance is ten (10) feet, but the minimum height for the land...for the mound is one (1) foot and it has side slope. When you comply with the side slope requirement which is one (1) to three (3), it goes beyond the minimum setback of ten (10) feet that is required within the ordinance which is City of Rowlett. So, again, the imposition of this is clearly outside of the realms of what we should be required to do relative to developing this property. The owner of the property has invested a lot of money and agonized over the imposition of this restriction, as well as, how much it is going to cost for us to provide a living screen. If we were to go to the...to get to the maximum height of the living screen, which is five (5) feet high and three (3) to one (1) slope, that is approximately thirty-five (35) feet; just to give you a perspective, the landscape buff is only ten (10) feet and the maximum height would take us to thirty-five (35) feet. This is also along Highway 66; this is going to be an interstate...a major traffic zone, so I think the developer really would...I think the development would be much safer with the wall that we're proposing here as opposed to a living screen."

Mayor Harper stated "Thank you."

Councilmember Rushing stated "But Ms. Samford just said there has to...there does not have to be berming in the back."

Mr. Peters stated "It is our understanding that the living screen, that there is a berming requirement."

Ms. Samford stated "The landscape buffer is along the front portion, it does not buffer your parking spaces. This is just a living screen in place of a masonry wall; I don't believe there's..."

Mr. Peters replied "Well the living screen ordinance actually requires a one (1) to five (5) foot berming as it's written."

Mr. Badmus stated "Correct, it requires a one (1) to five (5) foot berming as it is written; the minimum of one (1) foot."

Mr. Peters stated "And just doing that, we're still going to exceed our ten (10) foot landscape easement on the back of this thing. Do you have a copy of the actual ordinance?"

Mr. Badmus stated "I have a drawing of it."

Mr. Peters replied "No, she needs to see the actual ordinance as it's written but we'll get that. Anyway, another part of that berming issue is that we have to detain our water on-site and to do that we're going to utilize the landscaping areas, as well as, any kind of a grassy area on the site to absorb the moisture from the site to maintain it on our site. Putting this berm there basically eliminates our ability to utilize two hundred and some odd (200±) feet by ten (10) feet of landscape area to dissipate the water from our site; and that's a significant disadvantage to the overall design."

Mayor Harper stated "Seems to be some question about whether the berming is required or not. Am I hearing that?"

Mr. Peters replied "Yea, that's what I'm hearing but the way that we read it, it's required."

Mayor Harper stated "Mr. Berman, can you help?"

David Berman, City Attorney, stated "Let me ask you real quickly, what section are you referring to where you say the berming is required?"

Mr. Peters replied "It's under Living Screen and it's fully defined."

Mr. Badmus stated "Living Screen is fully defined as a...for you to build a living screen, you have to provide a berm."

Mr. Berman stated "Let me stop you here. What section are you referring to in the Development Code that requires the berming?"

Mr. Badmus replied "I don't have it right here but it does call for a one (1) to five (5) foot berm."

Mr. Berman stated "I'm seeing where screening for service areas and off-street living spaces are required to be provided by an earth environment but I will say this right now, and I haven't done any research and unfortunately the Development Code is not quite as short and sweet as I wish that it would be but there is a provision that I'm looking at its Subpart 5 of Subsection D of Section 77-504 of the Development Code entitled Landscaping and Screening; the section that I referenced, like I said, I haven't done the research and I haven't looked it over thoroughly but I'm just looking at this off-hand. It says and I quote 'the buffering of adjacent single-family or duplex zoned properties' is the heading. It says 'whenever a nonresidential use', which is what obviously you are proposing, 'is proposed adjacent to a property used or zoned for single-family or duplex residential use', which is what I assume you will be abutting; 'the nonresidential land use shall provide a landscaped buffer of at least ten feet in width within the nearest nonresidential or commercial residential property' and then there are some other requirements but I don't see where there's a berming requirement in there at all."

Mr. Badmus replied "Correct, sir. What you're saying is true. We made that requirement which is to provide as reading the ordinance, we made that requirement to allow a landscape buffer of ten (10) feet. It so happens that some of the homeowners wanted a living screen."

Mr. Peters stated "The issue is there is a separate section that fully defines a living screen. In that section, it requires a berm of one (1) to five (5) feet."

Mayor Harper stated "And that sounds like..."

Mr. Peters continued "That was a landscape ordinance section and that is applicable as well."

Mayor Harper stated "What would be the impact if we brought this back in two (2) weeks time, giving everyone a chance to figure out what the Unified Development Code (UDC) does say or doesn't say? We've got a ruling from the Planning and Zoning Commission but it sounds like staff and you need to work some more."

Mr. Peters replied "The impact is we've now waited almost eight (8) weeks to get to this point to go forward with our Development Plans because without this answer we cannot complete our goal. We've had two (2) extensions on the land already; the current extension is going to expire on July 16th if I recall. There is a good possibility this will not go forward if we delay much longer because the..."

Mayor Harper stated "I can't speak for the Council but I'm in no position to make a decision tonight. You all don't have your act together."

Mr. Peters stated "You're welcome to delay it and we'll come back and discuss it."

Mayor Harper stated "I don't want to delay it and have you consider it punishment but you're not convincing me, either of you. Ms. Samford, what do you have to say?"

Ms. Samford stated "However the Council would like to proceed; we could go back and look at that. Or if they'd like to proceed today, you do have the option of making that a condition in the CUP that there is no berming required. But if you'd like us to go back and research that, we can do that as well."

Mayor Harper stated "I'd like you to do that some more. Let me make a comment. We want your business; we want it in a way that makes as many people happy as possible. I know that we can't get 100% but we'll work with you. You'll see that if you haven't seen it already; we'll work with you but I am not and I'll defer to my Council, but I'm not hearing enough information to convince me to make a decision this evening. And I think there needs to be more staff work."

Mr. Badmus stated "One final comment, sir. "

Mayor Harper replied "Yes."

Mr. Badmus stated "First, I like to make a strong comment that the plans that we've provided meet the requirements of the City of Rowlett. The requirement was a ten (10) foot landscape buffer zone; the requirement was that we provide a masonry wall. There's no requirement to have a living screen. The living screen came about because of special interests."

Mayor Harper stated "I understand that. And one of the things we want Ms. Samford to confirm is that that is appropriate for a requirement of a living screen and then we have confusion about whether it has to be bermed or not bermed. You see where I'm coming from, I'm trying to help everybody here and I'm not getting enough information to go in a certain direction. Please, Mr. Gottel, go ahead."

Mayor Pro Tem Gottel stated "And I don't want to speak on behalf of staff but I think part of where you may call it a special interest, part of the interest came from is there is a restaurant that's in the process of being built and it's my understanding that they are sort of setting the precedence of putting up a living screen with an iron fence. Am I correct? And that's where a lot of this has come from. So, I think that tied into the owners coming back in that community and saying 'you know, I'd like to see a continuation of the living screen'. And that's where I think the challenge is. From my perspective, we're also struggling because in terms of making that decision, I think it's very difficult. We need to make sure we get all of our facts straight before we can make a fair decision."

Mr. Badmus stated "I understand but..."

Mayor Harper stated "Anybody else? Ms. Rushing."

Councilmember Rushing stated "Yes; again, I don't believe we... we can stipulate that there is no berming when we pass or don't pass this appeal. The berming in the back, I have not seen it used in any of our other developments in the City. As far as the comments that you need the privacy, I think if you'll drive down Liberty Grove and see the trees and the iron fences in the Waterview area, you can't see into those backyards; it is very private. And we also talked about the tagging issue in our Work Session. Masonry walls are susceptible to spray paint and tagging and a lot of problems with the appearance of the community and the living screen is just better, in my opinion. I'm prepared to vote tonight. I wouldn't require berming; I would be ready to move forward on this if the rest of the Council is."

Mayor Harper stated "Any other comments? Mr. Maggiotto."

Deputy Mayor Pro Tem Maggiotto replied "Thank you, Mayor. I'd like to start by taking us back a little bit. My experience having served on the Planning and Zoning Commission, we've dealt with projects where our focus, if you will, has strayed from zoning and gotten into aesthetics. One of the challenges that we face, as both the Planning and Zoning Commission and the City Council, is to draw the line between what our expectations are; in other words, we have a UDC. And if this project was twenty thousand (20,000) square feet, we wouldn't be here tonight because what they did as a builder and developer, they met our requirements. They looked up our ordinance and they've found that what they needed to do, they did. And when they went through the process, we got into aesthetics. And I guess the point that I'm trying to make is if we don't have a UDC that we like and we don't want any more walls because we're worried about them being tagged and we want to do living screens, then we should change our ordinances. But when we have ordinances in place and the developer meets those ordinances and because of use permits or other things that we have as overlays, we open ourselves up to the opportunity to take aesthetic license, which we can, I mean there's a lot of opportunity for the City Council and the Planning and Zoning Commission to do things other than zoning. I resist that temptation because what it sends is a message to developers that they cannot depend on a cost structure and a design even though they read it. And so people come to us and then we turn around and we change it on them and that's not the right message. We should be upfront and say 'you know what, we don't like walls; we want living screens'. We'll let's go do the change; but dropping and surprising and changing something midstream or in the process of where they're at this time is not good business. It's sending the wrong message to developers. They met our requirements. Had they chosen to, on their own, to go with a living screen like Tatiano's, great. The fact that Tatiano's has chosen to do what they do does not, in my opinion, license all future developments to match that. If we want to do that then we should

go in there and put an overlay in there and say that this whole area is going to be living screen and rod iron."

Mayor Harper stated "Thank you, Mr. Maggiotto. I have a question for you, Mr. Owens. Are we going to be meeting on June 24th in order to consider recommendations from the Charter Review Commission?"

Mr. Owens replied "I believe that's the schedule."

Mayor Harper stated "Mr. Berman, can we add this agenda item to that?"

Mr. Berman responded in the affirmative.

Mayor Harper stated "Would you all be willing to work together for one (1) more week and come back and we'll consider this on June 24th and we'll have a decision then? Council, will you go with me there? I think we need to give them some more time. Thank you all very much."

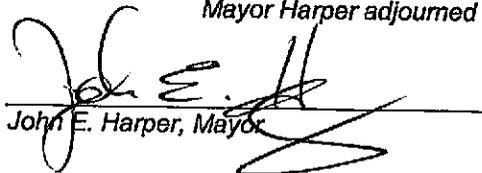
This item will be brought back to the Council for consideration on Tuesday, July 24, 2008.

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

Actions were taken on Items 2A, 2B, and 2F. The motions are located under each item.

11. ADJOURNMENT

Mayor Harper adjourned the meeting at 9:50 p.m.


John E. Harper, Mayor


Susie Quinn, City Secretary

Date Approved: July 1, 2008