

**MINUTES  
CITY COUNCIL MEETING  
JANUARY 9, 2007**

The City Council of the City of Cedar Hill, Texas met in regular session Tuesday, January 9, 2007, 7:00 p.m., City Hall, City of Cedar Hill, Texas.

All members of the City Council were present, to wit: Mayor Rob Franke, Mayor Pro Tem Cory Spillman, Council Members Wade Emmert, Makia Epie, Daniel C. Haydin, Jr., Greg Patton and Clifford Shaw.

**I. Call the meeting to order.**

Mayor Franke called the meeting to order, declaring it an open meeting, that a quorum was present and that the meeting notice was duly posted.

Mayor Franke welcomed everyone to the first meeting of the year.

**II. Pledge of Allegiance.**

City Manager Alan Sims led the Pledge of Allegiance.

**III. Invocation – City Council Member Greg Patton**

Council Member Greg Patton gave the invocation.

**IV. Presentations:**

**1. Recognize new firefighters and Administer Oaths of Office to Richard Dean Lambert, Davon Landers, Eric Mask, Ashley D. Redding, Jeff Richardson, Ryan David Strutton, Jeremiah Turman and Wesley A. Vaughn.**

Mayor Franke told the audience that the City's first priority was public safety. He invited Fire Chief Steve Pollock to assist him in recognizing the new firefighters.

Chief Pollock explained that the fire department was trying to bring its service to a new level. New recruits were now being sworn into office as part of that initiative. Chief Pollock complimented his staff as the finest group of firefighters that he had ever worked with and stated that they worked together as a family. He pointed out that a majority of the firefighters and fire department officers were present to support the new recruits.

Chief Pollock introduced the new recruits and invited their family members to join them on the platform for the installation ceremony. City Secretary Frankie Lee administered the Oaths of Office, Chief Pollock presented their badges, and Mayor Franke extended a hand of welcome to the new firefighters.

**2. Present Proclamation in support of Keep Cedar Hill Beautiful.**

Mayor Franke presented and read a proclamation in support of Keep Cedar Hill Beautiful. Sheri Borth accepted the proclamation on behalf of Keep Cedar Hill Beautiful and made a few comments. Mayor Franke thanked Borth for her undying support of Keep Cedar Hill Beautiful.

**3. Present proclamation declaring the week of January 7 – 13, 2007 as Cedar Hill Longhorn Football Week.**

Mayor Franke read a proclamation declaring the week of January 7-13, 2007, as Cedar Hill Longhorn Football Week, in recognition of the Cedar Hill High School Longhorns, the 5A Division II State Football Champions. Mayor Franke invited students in the audience to join him on the platform. He presented the proclamation to Cedar Hill Independent School District Trustees Valerie Banks, vice president, and Pam Allen. This was the first state football championship for the Cedar Hill High School, and the undefeated team had a record of 16-0.

Speaking on behalf of the school board, the faculty, the staff and students of Cedar Hill High School, Banks said this was a proud moment for the school. She thanked the team for representing the school district and the City with such fine character.

**V. Public Hearings:**

**1. Case No. 06-48 – Conduct a public hearing and consider a re-plat of Lot 3R, Block 1, Lake Ridge Village II Addition, Wildwood Subdivision into Lots 3R-A2 and 3R-B2, Block 1, Lake Ridge Village II Addition, Wildwood Subdivision, being 0.70 acres of land out of Abstract 492, generally located southwest of Lakeview and Valley View Drives, *requested by Chris Abbot of Peiser Surveying Company.***

Mayor Franke opened the floor to the applicant.

Has Pham, the owner of the property presented his request for the re-plat.

Mayor Franke opened the floor to anyone speaking in favor of Case No. 06-48. There being no one to speak in favor, Mayor Franke opened the floor to anyone speaking in opposition. No one spoke in opposition, and Mayor Franke closed the public hearing and opened the floor to the City Council.

A motion was made by Council Member Haydin and seconded by Council Member Patton to approve Case No. 06-48. The motion carried unanimously.

**2. Case No. 06-39 – Conduct a public hearing and consider a re-plat of Lots 6, 7, and 8, Block 2, Brookview Addition Unrecorded into Lots 5R, 6R and 7R, Block 2, Brookview Addition, being 7.909 acres of land out of Abstract 305, generally located on Evergreen Trail east of Tar Road, *requested by Chris Griffith of Griffith Surveying, LLC***

Mayor Franke opened the floor to the applicant.

The applicant declined to make any comments at this time.

Mayor Franke opened the floor to anyone speaking in favor of Case No. 06-39. No one spoke in favor, and Mayor Franke opened the floor to anyone speaking in opposition to Case No. 06-39. There being no one to speak in opposition, Mayor Franke closed the public hearing and opened the floor to the City Council.

A motion was made by Mayor Pro Tem Spillman and seconded by Council Member Epie to approve Case No. 06-39, subject to the Planning and Zoning Commission's recommendations.

The surveyor, Chris Griffith, answered questions about the re-plat.

Council Member Epie asked Griffith if he had given any consideration to the condition of the road.

Griffith replied that the road was in rough shape, and he understood there were right-of-way issues with some of the landowners. He stated that the right-of-way was in order for this re-plat.

Mayor Franke noted that the condition of the road was not a condition of the re-plat. Council Member Epie replied that he was just trying to solicit some help with this ongoing issue.

Following the discussion, the motion carried unanimously.

- 3. Case No. 06-52 – Conduct a public hearing and consider a request for a Conditional Use Permit (CUP) to operate a plumbing shop within a Local Retail zoning district, located at 158 Hood Drive, Cedar Hill, Texas, requested by Sherrie Johnson-Hartstock.**

Mayor Franke opened the floor to the applicant.

Sherrie Johnson-Hartstock, 5341 Ranch Cedar Road, presented her request for the Conditional Use Permit and distributed booklets of information about her project to the City Council. She stated that she had obtained letters of support from all but two of the surrounding property owners, one whom she was unable to reach and one with a conflict of interest.

Mayor Franke opened the floor to anyone speaking in favor of Case No. 06-52. No one spoke in favor, and Mayor Franke opened the floor to anyone speaking in opposition. There being no one to speak in opposition, Mayor Franke closed the public hearing and opened the floor to the City Council.

A motion was made by Council Member Emmert and seconded by Council Member Haydin to approve Case No. 06-52.

The Council complimented Johnson-Hartstock for putting so much effort into providing the information packet.

Following the complimentary remarks, the motion carried unanimously.

- 4. Case No. 06-58 – Conduct a public hearing and consider a request for a Conditional Use Permit (CUP) to serve alcoholic beverages in conjunction with a restaurant located at 316 Cooper Street, Cedar Hill, TX, requested by Mary Fishel.**

Mayor Franke opened the floor to the applicant.

Mary Fishel, 606 Armadillo Ct., Cedar Hill, presented the request. She said she had surveyed the neighbors who were directly affected, and they were not opposed to the permit.

Mayor Franke opened the floor to anyone speaking in favor of Case No. 06-58. No one spoke in favor, and Mayor Franke opened the floor to anyone speaking in opposition to Case No. 06-58. There being no one to speak, Mayor Franke closed the public hearing and opened the floor to the City Council.

In response to questions, Fishel said she expected the percentage of alcoholic beverage sales to be 30 to 35 percent. She wanted the option of having live entertainment at the restaurant; however, she said she would discontinue live entertainment, if it became an issue to the neighbors.

A motion was made by Mayor Pro Tem Spillman and seconded by Council Member Patton to approve the Conditional Use Permit. The motion carried by the following vote: Mayor Franke, Mayor Pro Tem Spillman, Council Members Emmert, Haydin, Patton and Shaw voted yea. Council Member Epie voted nay.

## **VI. Consent Agenda:**

*Items listed under the Consent Agenda are considered routine and are generally enacted in one motion.*

The following items were introduced for the City Council's consideration.

- 1. Consider approving the minutes of December 12, 2006.**
- 2. Consider authorizing the Mayor to execute an Inter-local Agreement continuing the use of the Local Government Purchasing Cooperative (Buyboard).**
- 3. Consider adoption of Ordinance No. 2007-312 adopting the 2005 National Electrical Code.**

Building Official Johnny Kendro responded to questions about item number three (3).

A motion was made by Council Member Emmert and seconded by Council Member Haydin to approve Consent Agenda items one (1) through three (3). The motion carried unanimously following the reading of written ordinance No. 2007-312 entitled,

“AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS  
ADOPTING THE 2005 NATIONAL ELECTRICAL CODE;  
PROVIDING FOR THE REPEAL OF ARTICLE V, SECTIONS  
4-81 OF THE CODE OF ORDINANCES OF THE CITY OF  
CEDAR HILL, TEXAS; PROVIDING A SAVINGS CLAUSE;  
PROVIDING FOR PENALTIES; PROVIDING A  
SEVERANCE CLAUSE; PROVIDING FOR IMMEDIATE  
EFFECT, AND PROVIDING FOR PUBLICATION.”

## **VII. Citizens Forum.**

M. G. Johnson, Jr., 1119 Mobley Road, addressed his concerns about trees being cut down in the Cedar Mountain Preserve. He acknowledged that the second set of signs that the City put up were placed where he wanted them, but he did not believe they were very effective. Johnson

asked the City to post additional signs citing the section of the City Code that prohibits injury to trees and stating the penalty for violation. He also stated the reasons for his discontent with the City.

**VIII. Regular Agenda:****1. Consider appointments to the Neighborhood Advisory Board.**

Mayor Franke explained that Jan Lovell had submitted an application for the Board after the matter was discussed at the Mayor's quarterly leadership meeting.

A motion was made by Council Member Patton and seconded by Council Member Epie to appoint Jan Lovell to the Neighborhood Advisory Board.

There was some discussion about filling the other two vacancies on the board.

Mayor Franke instructed staff to provide a list of all the board vacancies to the City Council.

Following the discussion, the motion carried unanimously.

Council Member Haydin welcomed Lovell, stating that his application indicated he was well qualified to serve on the Board.

**IX. Adjourn.**

Upon a motion by Mayor Pro Tem Spillman and second by Council Member Patton, the meeting adjourned at 7:57 p.m. by a unanimous vote.

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Rob Franke, Mayor

ATTEST:

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Frankie Lee, City Secretary