

**MINUTES
CITY OF CEDAR HILL
CITY COUNCIL MEETING
OCTOBER 22, 2013**

The City Council of the City of Cedar Hill, Texas met in regular session Tuesday, October 22, 2013, 7:00 p.m., T.W. "Turk" Cannady - Cedar Hill Room, 285 Uptown Blvd., Cedar Hill, Texas.

Present: Mayor Rob Franke, Mayor Pro Tem Chris Parvin Council Members Daniel C. Haydin, Jr., Stephen Mason, Jami McCain, Cliff Shaw and Wallace Swayze

I. Call the meeting to order.

Mayor Franke called the meeting to order at 7:00 p.m., declaring it an open meeting, that a quorum was present and that the meeting notice was duly posted.

The Mayor welcomed Cedar Hill ISD School Board Trustee Billie Ballengee and former Cedar Hill City Council Member Peggy Wilson.

II. Pledge of Allegiance.

Council Member Shaw led the Pledges of Allegiance to both the United States and Texas Flags.

III. Invocation:

Cedar Hill City Council Member Jami McCain gave the invocation.

IV. Presentation:

1. Presentation by Dan Johnson, President of the Texas City Management Association (TCMA), to Alan E. Sims, recipient of the Lifetime Achievement Award.

Mayor Franke was joined at the podium area by City Manager Alan and Mrs. Sims.

The Mayor stated that Sims is someone who knows how to negotiate, is good building relationships and has brought the City to the AA bond rating.

He added that, when the City Council gets compliments for things that have happened in the City, it is because of two reasons. One is because we have a City Staff that is inspired - is truly motivated to do a good job - and does more than just do their job but cares about doing it right. The second reason is that this comes about by Alan's driving force for customer service for which he has a passion.

Mayor Franke introduced TCMA President Dan Johnson, who stated the award was presented to Sims in June when he was among his peers. The Association wanted to come to Cedar Hill and honor him in front of his family, City Council and Staff.

Johnson explained the Association has 900 members, and they strive to lift up those who are exemplary. This particular honor is presented to "someone who has not only done something good, but has done things good for at least 10 years that benefit the community. "

"That's the criteria," Johnson said. He added that Sims also served on the TCMA Board.

Johnson stated that Cedar Hill is the essence of good government, having received the 'TCMA City Council of the Year Award' in 2009. He thanked Assistant City Manager Melissa Stephens and other staff members for their help in setting up this presentation to Sims.

City Manager Sims expressed his appreciation for the honor, especially having the presentation being made by the President of TCMA, who is also the City Manager of Richardson, Texas. Sims praised the Cedar Hill Staff and thanked them and the City Council for their support.

V. Distinctive Character Presentation:

Item 1: Present Certificates of Recognition to Asia Salter, a fourth grade student at Plummer Elementary School and Michelle Cruz, a fourth grade student at Highlands Elementary School – S.T.A.R. Student Awards for the month of October.

Mayor Franke gave an overview of the honor of this award. The City Council and honored students joined him at the podium area.

Council Member Swayze read the bio for Asia Salter and presented her with the plaque and S.T.A.R. trophy.

Salter introduced her family and two teachers in the audience.

Council Member Mason read the bio for Michelle Cruz and presented her with the plaque and S.T.A.R. trophy.

Cruz the introduced her family and principal in the audience.

VI. Public Hearings:

Item 1: Case No. 13-12 – Conduct a public hearing and consider a request for a Conditional Use Permit authorizing a cellular communication tower within "RR"- (Rural Residential) zoning district, located on Lot 1, Block A, City Service Center Addition, generally located at the southern terminus of South Clark Rd., requested by Peter Kavanagh on behalf of Verizon Wireless.

Mayor Franke introduced the item and asked if the applicant wish to address the City Council. He did not.

The Mayor then opened the public hearing for anyone wishing to speak in favor of the item. No one spoke.

The Mayor then opened the public hearing for anyone wishing to speak in opposition of the item. No one spoke.

Mayor Franke closed the public hearing and turned the item over to the City Council for deliberation.

Council Member Haydin moved to approve the item, second by Mayor Pro Tem Parvin.

The motion passed by unanimous vote.

Item 2: Case No. 13-15 – Conduct a public hearing and consider a request for a Conditional Use Permit (CUP) authorizing a convenience store with gasoline fueling stations within the “LR” - (Local Retail) zoning district and Uptown Overlay zoning district, being on a 3.002 acre tract of land, generally located at the southeast corner of FM 1382 and Straus Road; *requested by Truitt Priddy on behalf of Quick Trip.*

Mayor Franke introduced the item and asked if the applicant were present and wished to speak.

Jason McCord, 1120 N. Industrial Blvd., Euless, Texas, thanked the City Council for the opportunity to speak. He explained that, at this time, the applicant wished to withdraw their application due to the fact they have not been able to come to a place where they feel it garners the City Council’s support. He asked for comments and recommendations to assist them in making this an item that would meet their approval.

Mayor Franke, with the applicant’s request, cancelled the public hearing. He thanked McCord for the due diligence shown to bring this item to an agreeable place. He explained there were three City boards that had denied the request, centering around the location issue.

The Mayor stated there were a couple of options for the applicant. They could go back to the boards and change out the variances for the Conditional Use Permit (CUP). If the City Council does not wish to grant the CUP, the applicant can move on to a different location in the City.

There was lengthy discussion by City Council, with expressions of appreciation for the way the applicant approached the meeting, wishing to present something palatable.

There were various comments regarding the particular area chosen for the establishment, with notations of how variances to this area would have core challenges. The City Council has spent a lot of time and funds to get to a certain point and do not wish to cannibalize that.

Mayor Franke explained that the City strives to make things happen and desires to figure out a way to do that with Quick Trip.

Jason McCord stated they feel they are a good fit for the City. He added that they wish to be in Cedar Hill and will look at all their options.

Item 3: Case No. 13-22 – Conduct a public hearing and consider a request for a Conditional Use Permit for a convenience store within the “LR” - (Local Retail) zoning district, being part of Lot 1, Market Place at Cedar Hill, located within Suite 113, 223 E. FM 1382; *requested by Bich Ngo on behalf of RPI Cedar Hill, Ltd.*

Mayor Franke introduced the item and asked if the applicant wished to speak.

Bich Ngo of Arlington, Texas explained the establishment would sell electronic cigarettes.

The Mayor opened the public hearing for anyone wishing to speak in favor of the item. No one spoke.

The Mayor then opened the public hearing for anyone wishing to speak in opposition of the item.

There being no one to speak, the Mayor closed the public hearing and turned the item over to the City Council for deliberation.

There was discussion on the age limit for customers buying this product. Applicant stated it would be 18 years of age.

Council Member Haydin made a motion to approve the item, seconded by Council Member Mason.

The item passed by unanimous vote.

VII. Consent Agenda:

Mayor Franke introduced the Consent Agenda and stated he received no request for an item to be removed for separate consideration.

Item 1: Consider approving the minutes of the regular meeting of October 8, 2013.

Item 2: Consider adopting Ordinance No. 2013-526 approving a negotiated resolution between Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division.

Item 3: Consider authorizing the Mayor to execute a construction contract with M.E. Burns Construction, Inc. for the Water Line Project.

Item 4: Consider authorizing the Mayor to execute a lease agreement with LEAF Capital Funding, LLC for server equipment for the Government Center Information Technology Department data room.

Item 5: Consider authorizing the Mayor to execute the engagement letter (contract) with Crowe Horwath, LLP to serve as the City's auditors for the 2013- 2014 fiscal year.

Mayor Pro Tem Parvin made a motion to approve the Consent Agenda, seconded by Council Member Haydin.

Following the reading of the ordinance by Assistant to the City Manager Marie Watts, the item passed with all voting in favor, except Council Member Mason, who recused himself from voting on item 1, as he was not in attendance for that meeting.

VIII. Citizens Forum.

Mayor Franke read the rules of the Citizens Forum.

The following persons addressed the City Council.

- Rod Reed – 1510 Cumberland Drive – spoke on the Quick Trip item.
- Jose Garza, 1715 Canyon View – spoke on the Quick Trip item.

IX. Regular:

Mayor Franke announced that the applicant had pulled items 1, 2, 3 and 4 from consideration.

Item 1: Consider a request by QuikTrip Corporation for an exception to the Cedar Hill Sign Regulations Section 4-244,(2),a. Attachment A to allow a detached high rise sign with a height of thirty (30) feet, a sign area of 113 square feet and a setback of zero feet on Tract 4.2, Abstract 306, Combs Survey more commonly known as 475 E FM 1382.

Item 2: Consider a request by QuikTrip Corporation for an exception to the Cedar Hill Sign Regulations Section 4-244,(2),b. 4 and 6 to allow attached signs with a letter height of 34 to 38 inches and to allow 3 signs on the front of the building on Tract 4.2, Abstract 306, Combs Survey more commonly known as 475 E FM 1382.

Item 3: Consider a request by QuikTrip Corporation for an exception to the Cedar Hill Sign Regulations Section 4-244,(2),a. Attachment A to allow a detached monument sign with a setback of zero feet on Tract 4.2, Abstract 306, Combs Survey more commonly known as 475 E FM 1382.

Item 4: Case No. 13-17 - Consider a variance to Section 13-103 of the Tree Preservation Ordinance requiring mitigation for the removal of protected trees on a 3.002 acre tract of land, located on the southeast corner of FM 1382 and Straus Road, requested by *Truitt Priddy on behalf of Quick Trip*.

Item 5: Closed meeting called pursuant to Texas Gov't. Code: Sec.551.087(2), Economic Development negotiations:

Deliberation of an offer of a financial or other incentive to a business prospect the City seeks to have locate, stay or expand in the City.

- Project Casey Jones
- Project Retention

Mayor Franke read the item and adjourned into executive session at 7:46 p.m.

Item 6: Reconvene into open session and consider any action to be taken as a consideration of the executive session.

Mayor Frank called the meeting back into regular session at 8:15 p.m.

Mayor Pro Tem Parvin made a motion to follow the recommendations of the Economic Development Corporation on the items presented. Council Member Haydin seconded the motion, which passed by unanimous vote.

X. Updates and announcements from City Council Members.

There were not updates and announcements.

XI. Adjourn

There being no further business, Mayor Franke entertained a motion to adjourn.

Mayor Pro Tem Parvin made a motion to adjourn, seconded by Council Member Shaw.

The motion passed by unanimous vote, and the meeting adjourned at 8:19 p.m.

Approved: _____
Rob Franke, *Mayor*

Attest: _____
Lyn Hill, *City Secretary*