

MINUTES  
#2617  
CITY COUNCIL MEETING  
CITY OF UNIVERSITY PARK, TEXAS  
CITY HALL COUNCIL CHAMBERS  
TUESDAY, AUGUST 22, 2006, 5:00 P.M.

Mayor Blackie Holmes opened the meeting. Present were Mayor Pro Tempore Harry Shawver, Councilmembers Syd Carter, Kelly Walker and Jerry Grable. Also in attendance were City Manager Bob Livingston, City Attorney Rob Dillard and City Secretary Nina Wilson.

AWARDS AND RECOGNITION

APPOINTMENT OF JUDGE JAMES W. KERR, JR., AS ASSOCIATE JUDGE FOR THE CITY OF UNIVERSITY PARK MUNICIPAL COURT: Judge James P. Barklow, Jr. introduced Judge Kerr and administered the Oath of Office. Judge Kerr is a Senior United States Administrative Law Judge.

RETIREMENT OF COURT ADMINISTRATOR LINDA WILLIAMS: Presentation postponed until September 5, 2006.

DEPARTMENT PIN OF POLICE DETECTIVE TIM SPILLMAN: The presentation of Detective Spillman's 25-year pin was postponed until September 5, 2006 due to a death in the family.

RETIREMENT OF BEAU GUEST: Public Works Director Bud Smallwood introduced Beau Guest, a Maintenance Technician in the Street Department, and Councilmember Carter presented him with a retirement plaque and check and thanked him for 19 years of service to the city.

Councilmember Walker moved approval of the Consent Agenda. Councilmember Carter seconded, and the vote was unanimous to approve the following:

CONSENT AGENDA

CONSIDER ADDENDUM TO DEVELOPMENT AND EXCHANGE AGREEMENT WITH PRESCOTT REALTY FOR CITY-OWNED PROPERTY AT 4419 WORCOLA: The city council approved a development and exchange agreement between the city and Prescott Realty at the January 3, 2006 city council meeting. The agreement called for the developer to design a parking and storage structure, develop estimates of probable cost, acquire an old easement along Greenville (and both properties), and get the City of Dallas to rezone through a Specific Use Permit the city's existing and proposed property. The agreement called for the aforementioned tasks to be completed within 150 days. Most of the work has been accomplished; however, the acquisition of the easement and the rezoning has taken longer than anticipated, and the developer is requesting that the city amend the agreement to add an additional 120 days.

CONSIDER ADDENDUM TO CONTRACT WITH ALAN PLUMMER & ASSOCIATES FOR BOOSTER PUMPING STATION DESIGN: In preparation for the public hearing regarding the proposed site for the pumping station, staff requested the engineering consultant prepare several

renderings and fit those renderings into photographs of the three projected sites in Germany Park. The original contract did not include this task. The proposed change amounts to \$6,000.

**CONSIDER RESOLUTION AND AGREEMENT AUTHORIZING MAX-A-MILLION CARRIAGE RIDES:** The resolution and agreement authorizes Max-A-Million horse-drawn carriage rides through University Park during the Christmas holiday season or between Thanksgiving and Christmas 2006. It is recommended Max-A-Million Carriages be allowed to set up two additional signs this year in Snider Plaza that were allowed last year at the points where customers will board the carriages. These two signs are to be set up and taken down at the beginning and end of each day of operation. It is also recommended that Max-A-Million be allowed to operate Wednesday through Sunday. The approval of this request as a license sets forth certain conditions, i.e., a \$500 fee with \$300 to be refunded if all conditions are met, cleaning of storage spaces and other areas affected by the horses, a design or plan for the use of the parking spaces to be approved by the Chief of Police, an indemnity clause, and a one million dollar public liability insurance policy with a Certificate of Insurance. Staff recommended approval with the understanding that the city council may change or may not approve the additional requests made by the Pendergraphs.

#### RESOLUTION NO. 06-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS, APPROVING A REVOCABLE LICENSE AGREEMENT WITH DANA PENDERGRAPH, D/B/A MAX-A-MILLION CARRIAGE FOR THE USE OF CITY STREETS AND PROPERTY; AUTHORIZING EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

**CONSIDER RIGHT-OF-WAY LICENSE AGREEMENT FOR 3429 RANKIN:** The developer of a multi-family property at 3429 Rankin is in the process of acquiring a building permit for a structure that contains an underground parking garage. Section 3.103, Amendments to the Building Code, requires all basements or below-grade construction in residential units to contain drainage systems be drained through enclosed pipe into the city's storm water drainage system. The developer proposes to open a trench extending from the property towards Rankin and connect a drain pipe to the city's storm sewer under the street. The city will perform the tap for the storm sewer; however, a license agreement is needed for use of the right-of-way. A backflow preventer will be placed on private property to prevent flow from the storm sewer backing up into the drain pipe. The property is a condominium complex with a homeowner's association, and the license agreement is between the city and developer, Lakeside Builders. The homeowner's association currently has not been established. After the license agreement is executed, it will be filed with Dallas County, thereby ensuring the license agreement stays with the property regardless of ownership.

**CONSIDER PURCHASE OF FOUR PICK-UP TRUCKS:** The pick-up trucks are for the street and utilities divisions. Caldwell Country is the vendor for a total price of \$103,510.

**CONSIDER PURCHASE OF REPLACEMENT TURF SWEEPER FOR PARK DEPARTMENT:** The sweeper will be used for removal of grass clippings, leaves and debris around creek channels resulting from high water and, during turf aeration, to remove core plugs from the turf area. It also provides for uninterrupted field use by the YMCA during both soccer

and baseball seasons. Jones Equipment and Turf, Inc. is the vendor for the total price of \$19,459.70.

CONSIDER PURCHASE OF BACKHOE: The purchase of a John Deere backhoe is for the street division. RDO Equipment is the vendor for a total cost of \$84,199.24.

CONSIDER APPROVAL OF ANNUAL CONTRACT FOR TYPE "D" HOT MIX ASPHALT, BID #06-05: Austin Bridge and Road is the vendor at \$42.50 per ton, an \$8.50 per ton increase over the last contract issued in October 2005. The estimated total of this contract is \$233,750 based on a usage of 5500 tons. The bid price of \$42.50 per ton is guaranteed only until November 15, 2006. At that time, the vendor may request a substantiated pricing increase subject to approval by the city. The vendor may subsequently request a pricing increase every three months until the contract ends in November 2007. The bid was written with this flexibility in the price so that we won't have to take formal, sealed bids each time there's an increase in the price of asphalt. The asphalt price has been rising steadily with the cost of oil.

CONSIDER APPROVAL OF CITY COUNCIL MEETING MINUTES: For July 18, 2006.

#### MAIN AGENDA

CONSIDER ORDINANCE REGULATING FEATURES IN FRONT YARD OF SINGLE FAMILY DISTRICTS: The ordinance amends the Comprehensive Zoning Ordinance by amending Section 21-100 (4) (b) to regulate features allowed in the required front yards of Single family Districts. UDADAC recommended that sports and recreational equipment, whether temporary or permanent, including, but not limited to, basketball goals, swing sets and tree swings be prohibited. However, P&Z changed that recommendation to allow sports and recreational equipment in the required front yard on a temporary basis not to exceed 30 days in any one calendar year. Both of these committees are made up of University Park residents. The ordinance has now been amended so that no reference is made to sports and recreational equipment. The current zoning ordinance allows sports and recreational equipment in the required front yards providing that such equipment is not permanently installed or fixed to the ground. Staff will continue to use that interpretation in the enforcement of the code. Mayor Holmes announced that an outdoor basketball court will be installed in Burleson Park. The basketball court will be opened by SMU Basketball Coach Matt Doherty and the SMU basketball team offering a basketball clinic sometime the week of October 21, 2006. Mayor Pro Tempore Shawver moved approval of the ordinance. Councilmember Grable seconded, and the vote was unanimous to approve allowing sports and recreational equipment in front yards providing such equipment is not permanently installed or fixed to the ground.

#### ORDINANCE NO. 06/21

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF UNIVERSITY PARK, AS HERETOFORE AMENDED, BY AMENDING SECTION 21-100(4) (b) TO REGULATE FEATURES ALLOWED IN THE REQUIRED FRONT YARD; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO

THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

DISCUSS FUNDING OPTIONS TO UNDERGROUND TXU 138 KV TRANSMISSION LINE: There are two potential funding sources for placing the transmission line underground along the route proposed by Sega. A Public Improvement District (PID) whereby funds are raised through a bond issue and repaid through assessment of properties along the transmission line route, and a General Obligation Bond issued by the City of University Park whereby funds are raised through a general obligation bond issue and repaid through property tax revenue. On Wednesday, August 16, the city received a letter from TXU, which stated that TXU would be willing to spend \$5.3 million on a line rebuild for the transmission line. Therefore, TXU would be willing to put forth the same amount for an underground solution. Funding calculations are based upon an interest rate of 4.75% for a term of 20 years. There will be a community forum in the auditorium of University Park Elementary School on September 14, 2006.

PUBLIC HEARING FOR THE BUDGET AND TAX RATE: The proposed FY07 budget of \$37.639 million is 8.15% larger than the adopted FY06 budget of \$34.749 million. The proposed budget includes a tax rate decrease and \$5.022 million in capital project funding, and there are no rate increases for water or sewer service. The proposed FY07 rate is \$0.28772, a 7.06% reduction from last year's adopted rate of \$0.30958. The certified taxable property base rose 11.36%. The proposed budget would collect \$467,443 more in current property taxes than last year, a 3.5% increase, thus it is correct to say that the city is both cutting the tax rate and raising taxes. The proposed \$0.28772 rate that will raise 3.5% more tax revenue represents an effective tax increase of only 1.34%. However, included with the proposed FY07 Budget message were two attachments from HPISD that would raise the tax rate: Attachment A, a request from HPISD Superintendent Dr. Cathy Bryce for the city to fund repair of the track surface at Germany Park. This request is being made as part of the renewal of an agreement between HPISD and the city. In past agreements, HPISD has been responsible for maintenance of the track. According to Dr. Bryce, the cost is estimated to be \$50,000 - \$70,000 and needs to be done every 5 to 7 years; Attachment B, a request from a group of parents and HPISD to fund a full-time School Resource Officer at the high school. At this time, the approximately \$80,000 annual cost for this position would be solely the responsibility of the city. If either of the two HPISD requests are included in the FY07 Budget and funded with a tax increase, the rate will be \$0.29085. The average single-family home in University Park would pay \$115 more in taxes than last year, compared with \$92 more than last year if the HPISD requests are excluded. The effective tax increase would rise from 1.34% to 2.44%. Mayor Holmes opened the public hearing. PTA President Cindy Kerr, Dads Club President Ray Kane and Former Mayor Barbara Hitzelberger spoke in favor of a School Resource Officer for Highland Park High School. As there was no further discussion, Mayor Holmes closed the public hearing. Councilmember Walker moved that the School Resource Officer be included in the proposed FY07 Budget and that September 7 and 14 be set to hold public hearings to amend the tax rate. Councilmember Carter seconded, and the vote was unanimous to approve the School Resource Officer and set two dates to hold public hearings to amend the tax rate FY07 Budget.

PUBLIC HEARING TO GRANT A CHANGE OF ZONING FROM MULTI-FAMILY TO PLANNED DEVELOPMENT DISTRICT 33: A tract of approximately 2.98 acres includes

certain alleyway rights-of-way. The subject tract includes Lots 4113 Lovers Lane, 4112 and 4113 Hyer Street and 4102 Grassmere, being lots 9-11 and 18-20, Block 1, Troth and Boswell Subdivision, and lots 7-11 and 18-22, Block 2, Troth and Boswell Subdivision. The existing Park Lane Apartments comprise 91 units and occupy approximately 2.85 acres. The applicant is requesting a change of zoning to Planned Development District classification to allow for the construction of 88 units with an average unit size of 1,433 square feet. The applicant is also requesting abandonment of alleyways traversing the site between Lovers and Hyer and between Hyer and Grassmere. The applicant proposes to dedicate two tracts of land to facilitate turning movements resulting from the abandonment of the alleyways. Mayor Holmes opened the public hearing. Mr. Bill Blackburn, representing Intercity Investments, made a presentation in favor of the request. As there was no further discussion, Mayor Holmes closed the public hearing.

CONSIDER ORDINANCE GRANTING A CHANGE OF ZONING FROM MULTI-FAMILY TO PLANNED DEVELOPMENT DISTRICT 33: Mayor Pro Tempore Shawver moved approval of the ordinance granting a change in zoning from Multi-Family to Planned Development District No. 33. Councilmember Carter seconded, and the vote was unanimous to approve the ordinance granting the zoning change.

#### ORDINANCE NO. 06/22

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF UNIVERSITY PARK, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING FOR THE PROPERTY DESCRIBED AS LOTS 9-11 AND 18-20, BLOCK 1, AND LOTS 7-11 AND 18-22, BLOCK 2, TROTH AND BOSWELL SUBDIVISION, AN ADDITION TO THE CITY OF UNIVERSITY PARK, DALLAS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED TO PLANNED DEVELOPMENT DISTRICT NO. 33; APPROVING A DETAILED SITE PLAN AS EXHIBIT "B" SUBJECT TO SPECIAL CONDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

CONSIDER ORDINANCE ABANDONING ALLEY EASEMENTS IN CONNECTION WITH PARK LANE CONDOMINIUMS: The easements in the area are bounded by Lovers Lane, Preston, Grassmere and Westchester. The proposed Park Lane Condominium Project reconfigures the alleys in the 4100 blocks between Lovers Lane and Hyer and between Hyer and Grassmere to turn south into Hyer and Grassmere respectively. Their proposal dedicates the necessary alley easements for the realignments and requests that the city abandon the east/west alley easements currently splitting their properties. The land area requested for abandonment is approximately 147 square feet, and the developer will pay the fair market value of \$60/SF for a total of \$8,820. Mayor Holmes moved approval of the ordinance. Mayor Pro Tempore Shawver seconded, and the vote was unanimous to approve abandoning alley easements in connection with the Park Lane Condominium Project.

## ORDINANCE NO. 06/23

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, ABANDONING ALLEY EASEMENTS, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", TO THE ABUTTING OWNER IN CONSIDERATION OF THE DEDICATION OF NEW ALLEY EASEMENTS DESCRIBED IN EXHIBITS "C" AND "D" AND THE CASH SUM OF \$8,820.00; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING TO DISCUSS RECONSTRUCTION, OWNERSHIP AND OPERATION OF GERMANY PARK BOOSTER PUMPING STATION: In 1952, Dallas County Park Cities Municipal Utilities District (PC MUD) installed a pump station to boost the pressure from their water supply at the split between Highland Park and University Park. In 2004, the city council negotiated with PC MUD to take ownership of the booster pumping station. The arrangement called for the city to design and build the facility and pay PC MUD to operate it. The only issue is the exact location and, based on PC MUD's transmission main, it must remain near the parking lot at the south end of Germany Park. Pursuant to direction from a previous council, the new facility is to be located in the southwest corner of the park. After demolition of the existing pumping station, PC MUD agreed to allow the city to use that property for park uses. The consultant for the design of the pumping station has been proceeding with the design; however, a comment was received from an adjacent resident about locating within the park. Two locations east and west of the existing pumping station on PC MUD property are suitable sites; however, the use of that property would preclude its use for additional park activities. Mayor Holmes opened the public hearing. Several residents voiced their opinion on different options. The public hearing will be continued at the September 26 city council meeting.

CONSIDER HIGHLAND PARK INDEPENDENT SCHOOL DISTRICT'S REQUEST FOR JOINT USE AGREEMENT AMENDMENTS INVOLVING GERMANY PARK: A letter was received from HPISD School Superintendent Dr. Cathy Bryce requesting the amendment of the existing 1991 Joint Use Agreement involving Germany Park, which ran from August 20, 1991 through August 19, 2006. Under that agreement, the responsibilities of the city included landscape maintenance, tennis courts, fencing, soccer fields, parking lots, water fountains and bleachers. HPISD was responsible for the repair and maintenance of the track, field events area and the storage restroom building. The programming schedule called for HPISD to have exclusive use of the track and playing fields from 3:00-6:00 p.m. each day, except Saturday and Sunday, from the fall term to the end of the spring term, provided that the two outside lanes of the track are reserved for use by the general public during these hours. The requested amendments call for the city to pay for the resurfacing of the track, HPISD will use track lanes 1-4 and the field from 3:00 p.m. until 6:00 p.m. from the first day of school through January 14, and HPISD will use track lanes 1-6 and the field from 3:00 p.m. until 6:00 p.m. from January 15 to May 15. Several options and associated costs for track resurfacing were presented. Councilmember Grable moved that the agreement be extended for 90 days to allow for more discussion. Councilmember Carter seconded, and the vote was unanimous to approve the extension of the agreement.

CONSIDER DATE FOR PUBLIC HEARING TO DISCUSS ISSUES RELATING TO INCREASING SIZE OF SINGLE FAMILY CONSTRUCTION: Residents continue to express concerns to council about the size of single family construction and the impacts on the existing neighborhoods. The purpose of the public hearing is to provide a forum for builders and residents to publicly address the city council on this issue. The public hearing will be held Thursday, October 5, 7:00 p.m., City of University Park City Hall.

CONSIDER APPROVAL OF AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR PHOTO RED LIGHT ENFORCEMENT PROGRAM: Red light cameras are now being used in several area cities in order to reduce the number of motor vehicle accidents caused by red light infractions. The addition of red light cameras will assist the University Park Police Department in enforcing red light violations and in making streets and roadways safer to travel. The consideration of the agreement was continued to the September 5 city council meeting.

CONSIDER CITY HALL LANDSCAPE CONTRACT AMENDMENT: A major design feature within the City Hall/Goar Park Landscape Project is a meandering creek which creates a connection between Goar Park and City Hall/Turtle Creek. The initial design proposed the use of potable/treated water to fill and maintain water levels in the decorative creek channel. Recent architectural drawings have shown several design concerns with using potable water. Based on the information recently presented by the architect, staff proposed the utilization of water from Turtle Creek to support the creeks water flow. Benefits to this alternative will include a cost savings of \$50-\$60,000, minimum tree loss, a reduction of impact to the park due to utility construction, savings in ongoing/long term maintenance costs, improved overall aesthetics of the park site, and reduction in portable water usage at the park site. The proposal will include design and construction drawings and will be completed based on an hourly basis not to exceed \$2,000. Councilmember Carter moved approval of amending the landscape design contract with NJB Landscape Architects to provide revised construction drawings incorporating the use of water from Turtle Creek to support the new decorative creek in Goar Park. Councilmember Walker seconded, and the vote was unanimous to amend the contract.

CONSIDER ORDINANCE FOR SITE PLAN IMPROVEMENTS AT 4520 WEST LOVERS LANE: The subject tract is zoned Planned Development District PD-2-R which allows for all uses listed under the General Retail Zoning District classification. Taylor Armstrong, representing Agnich Ventures, stated the applicant has not identified a specific use for the building. The detailed site plan shows a net increase of 887 square feet of floor area with three on-site parking spaces. The Planning and Zoning Commission voted unanimously to recommend approval subject to the condition that on-site parking spaces be provided at the rate of one space per 300 square feet of additional floor space. Councilmember Walker moved approval of the ordinance. Councilmember Carter seconded, and the vote was unanimous to approve the detailed site plan for improvements to the existing building.

#### ORDINANCE NO. 06/24

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF UNIVERSITY PARK, AS HERETOFORE AMENDED, SO AS TO AMEND THE APPROVED SITE PLAN

FOR A PORTION OF PLANNED DEVELOPMENT DISTRICT NO. 2-R FOR A PART OF LOT 2, BLOCK C, IDLEWILD NO. 2 ADDITION, COMMONLY KNOWN AS 4520 WEST LOVERS LANE, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED; APPROVING A DETAILED SITE PLAN ATTACHED AS EXHIBIT "B", SUBJECT TO SPECIAL CONDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

CONSIDER ADDENDUM TO CONTRACT WITH HDR ENGINEERING FOR WORK ON STORMWATER MANAGEMENT PLAN: HDR Engineering worked with the city to develop its Stormwater Management Plan (SMP) in 2003, as required by the Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ). They also assisted in the development of the city's stormwater utility fund and rate structure authorized by council in January 2005. The state is about to promulgate the rules which govern the aforementioned SMP. Staff outlined several tasks that must be accomplished to update and revise the SMP prior to submittal, such as the continued monitoring of rule changes and anticipated date of implementation, updating the plan to incorporate tables referencing responsible parties, updating the plan to modify the proposed budget assuming an inflation adjustment from the original date of the plan and meeting with city staff to discuss final rule changes and a schedule of implementation once adopted by the TCEQ. The original contract scope of work did not include these tasks. The proposed change amounts to \$5,000. Councilmember Grable moved approval of the addendum. Mayor Pro Tempore Shawver seconded, and the vote was unanimous to approve the contract addendum with HDR Engineering for work on the Stormwater Management Plan.

CONSIDER BIDS FOR 12" WATER LINE, HILLCREST AND NORTHWEST PARKWAY, PROJECT NO. 21800: This project is a part of the Northwest Parkway Screening Wall Project. The water line work in Northwest Parkway is to be completed prior to the construction of the screening wall. The locations to be included in this project are: Northwest Parkway from Airline to Turtle Creek (3200-3400 blocks), and Hillcrest from Northwest Parkway to the Marquette/Colgate Alley (8000-8400 blocks). Councilmember Carter moved approval of the bid. Councilmember Walker seconded, and the vote was unanimous to award the contract to Barson Utilities for labor and materials in the amount of \$778,687.50.

CONSIDER PROPOSAL FROM C&P ENGINEERING FOR DESIGN OF WATER/SANITARY SEWER IMPROVEMENTS: The proposal from C&P Engineering in the amount of \$155,510 provides for the engineering and surveying services associated with the design of water and sanitary sewer improvements generally in the alley of the 4000 block between Hanover and Purdue; the alley in the 4100 block between McFarlin and University, and between Douglas and Preston; the alleys bounded by Preston, Douglas, McFarlin, and Windsor; the alley in the 4100 block between Windsor and Stanhope. Councilmember Walker moved approval of the proposal. Councilmember Carter seconded, and the vote was unanimous to approve C&P Engineering's proposal for design of water and sanitary sewer improvements.

CONSIDER AWARD OF BIDS FOR CITY HALL RENOVATION AND RECONSTRUCTION: The bid includes construction of a major addition to City Hall and total



renovation of the existing facility. Von Gallagher of Gallagher Construction Services will serve as the in-house construction manager-agent for construction administration. As such, he reviewed the bids of twenty-three contractors and three professional service companies. Mayor Pro Tempore Shawver moved that bids be approved per Von Gallagher's letter, which recommended the award of contracts to twenty-three companies, the award of the masonry contract to the second bidder as the low bidder had an error in his bid, the award of contracts to three professional service companies detailed in his letter, reject bid packages BP 12-D, Horizontal Blinds & Louvers, and BP 10-G, Identification Devices, and make all awards contingent to further negotiations with Von Gallagher and receipt of required bonds and insurance. Councilmember Grable seconded, and the vote was unanimous to approve the award of bids for the City Hall renovation reconstruction.

#### ITEMS FROM THE FLOOR

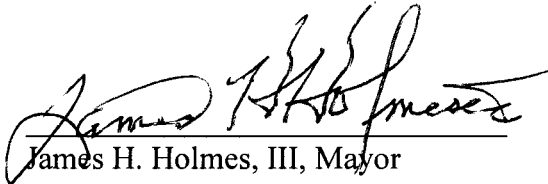
Susan and Chris Cooper, 3848 Bryn Mawr, discussed the inability to build a secondary structure on an adjacent lot unless there is already a primary structure on it. They requested permission to construct a fence and play set on the lot they own that is adjacent to their house. They will confer with Community Development Manager Harry Persaud, who will place it on the September 5, 2006 agenda.

Ms. Carolyn Loy thanked the council for the mosquito control the city is using, the decision on the basketball goals, Coach Doherty's basketball clinic and receiving taxes from Dallas that had gone to them inadvertently.

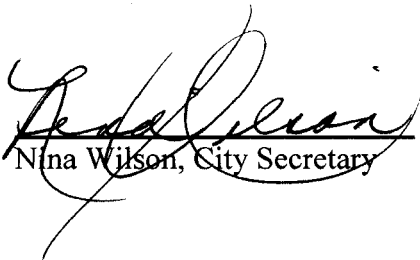
Kitty Holleman requested the council lower the height of houses 25 feet, make side yards wider, require more green areas in backyards, and give blue ribbons to builders who are remodeling.

There being no further business, Mayor Holmes adjourned the meeting.

PASSED AND APPROVED this 5th day of September 2006.

  
James H. Holmes, III, Mayor

ATTEST:

  
Nina Wilson, City Secretary