

**MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 12, 2006**

The City Council of the City of Midlothian convened in a Regular Meeting in the auditorium of the Midlothian Bible Church, 4250 FM 663, with the meeting having been open to the public and notice of said meeting having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

| | | |
|--------------------|---|------------------------|
| Boyce L. Whatley | § | Mayor |
| R.J. "Dusty" Fryer | § | Mayor pro tem, Place 1 |
| Tommy Mitchell | § | Councilmember Place 2 |
| Jimmy Beaudoin | § | Councilmember Place 3 |
| Tracy Davidson | § | Councilmember Place 4 |
| Wayne Sibley | § | Councilmember Place 5 |
| Steve Massey | § | Councilmember Place 6 |

REGULAR AGENDA - 6:00 PM

Mayor Whatley called the meeting to order at 6:08 p.m. with notice having been duly posted and a quorum present. Councilmember Massey gave the invocation and led in the pledges.

2006-433 CITIZENS TO BE HEARD

Robert Milkos, attorney representing Rural Citizens Against Annexation, asked that annexation public hearings be moved up on the agenda.

Sherry Freeland, 1760 Pine Drive, stated that drainage issues with Choice Homes remain unresolved. Further, the company directed stormwater drainage across their property without an easement, without their permission, and without the city enforcing regulations to prevent it. Mayor Whatley stated that council could not respond because the item was not posted on the agenda.

Carl Gorman, 1721 Vista Ridge Drive West, stated that he was the proud owner of a home built by Choice Homes and that their neighborhood was unhappy with misinformation being broadcast about the builder and the Fox Run subdivision. Issues raised were from one family and did not represent the feelings of others in the neighborhood. Despite written and phone correspondence, the news media had neither interviewed nor responded to the satisfied homeowners but ran the story of the single homeowner with a problem.

Denise Wright, 1761 Windswept Drive, expressed concern about negative publicity being focused on the Fox Run subdivision. Of 28 homeowners, 26 signed a petition of satisfaction with their Choice Homes. The impression given by the Freelands that they spoke for the neighborhood was not true.

Dan Freeland, 1760 Pine Drive, stated that each individual has a right to take a stand for what they believe is right. Council and police department input and objectivity in assessment of codes and law were appreciated. Harassment and a vigilante atmosphere in the neighbor included public intoxication confrontations, disturbing the peace, ringing doorbells after 11:00 p.m., and stopping in front of their home with the intent to intimidate.

2006-434 ANNOUNCEMENTS/PRESENTATIONS

- 1. Quarterly Investment Report presented by Patterson & Associates**

Linda Patterson provided a summary of market trends, fund investments and interest rate growth. Lower unemployment and steady rates were expected to continue through the next election cycle. The report included a review of the general revenue portfolio, quarterly maturity analysis, policy diversification, benchmarks, allocation analysis and a summary of 4A and 4B funds.

2. Recognize Water Treatment Plant personnel for distinguished award

The Texas Commission for Environmental Quality recognized Ben Wilson and his water treatment staff for attaining some of the highest quality water standards in the state for eight consecutive years.

3. Present a proclamation to the Daughters of the American Revolution declaring September 17-23 as Constitution Week

Mrs. Mary Etta Clark accepted the proclamation recognizing the Constitution drafted by forefathers to support and defend the blessings of liberty.

4. City Council announcements

None were received.

5. City Manager announcements

None were received.

CONSENT AGENDA

2006-435 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETINGS OF JULY 25, AUGUST 5 AND 8, 2006

2006-436 CONSIDER AND ACT UPON AN ENGINEERING SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC., (F&N) FOR THE DEVELOPMENT OF A STORM WATER ORDINANCE AND DESIGN MANUAL AND STORM WATER UTILITY STUDY IN AN AMOUNT NOT TO EXCEED \$68,830

2006-437 CONSIDER AND ACT UPON AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION LETTER TO THE TEXAS ATTORNEY GENERAL STATING THAT THE CITY OF MIDLOTHIAN IMPACT FEE PROGRAM IS IN COMPLIANCE WITH CHAPTER 395 OF THE LOCAL GOVERNMENT CODE (CASE NO. M35-2005-152)

2006-438 CONSIDER AND ACT UPON APPROVING A CONTRACT WITH TRU-GREEN LANDCARE OF FT. WORTH, TEXAS FOR TREE TRIMMING AND REMOVAL SERVICES IN AN AMOUNT NOT TO EXCEED \$30,000

2006-439 CONSIDER AND ACT UPON APPROVING THE MIDLOTHIAN COMMUNITY DEVELOPMENT CORPORATION'S (4B) INVESTMENT POLICY

2006-440 CONSIDER AND ACT UPON APPROVING THE FY 2006-2007 MIDLOTHIAN DEVELOPMENT AUTHORITY'S ANNUAL OPERATING BUDGET

2006-441 CONSIDER AND ACT UPON TRANSFERRING SURPLUS MONIES FROM THE COMBINATION TAX AND REVENUE BONDS (NAVARRO COLLEGE DISTRICT), SERIES 2005 CONSTRUCTION ACCOUNT TO THE DEBT SERVICE FUND ESTABLISHED BY THE CITY FOR THE PAYMENT OF THE CAPTIONED BONDS

Councilmember Beaudoin moved to approve the Consent Agenda as presented. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

PUBLIC HEARINGS and REGULAR AGENDA

2006-442 CONSIDER AND ACT UPON AN ORDINANCE EXTENDING THE MUNICIPAL BOUNDARY LIMITS OF THE CITY OF MIDLOTHIAN, TEXAS BY THE VOLUNTARY ANNEXATION (CASE NO. AX03-2005-114) OF +/- 50.19 ACRES OF LAND, SAID LAND IS OUT OF THE A. R. NEWTON SURVEY, ABSTRACT NO. 793, GENERALLY LOCATED NORTH OF FM 1387 AND EAST OF BRYSON LANE AND LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF MIDLOTHIAN; PROVIDING THAT THE ANNEXED PROPERTY SHALL BE SUBJECT TO THE AD VALOREM TAXES LEVIED BY THE CITY OF MIDLOTHIAN AND THAT THE INHABITANTS OF THE ANNEXED PROPERTY SHALL BE ENTITLED TO ALL RIGHTS AND PRIVILEGES OF ALL THE RESOLUTIONS AND REGULATIONS OF THE CITY OF MIDLOTHIAN NOW IN EFFECT AND HEREINAFTER ADOPTED; ADOPTING BY THIS ORDINANCE A SERVICE PLAN FOR THE PROVISION OF MUNICIPAL SERVICES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE

Mr. Hastings presented the voluntary annexation discussed at previous meetings with no public comments received. Councilmember Sibley moved to approve Item 2006-442 as presented. Motion was seconded by Councilmember Beaudoin and carried unanimously (7-0).

2006-443 CONDUCT A PUBLIC HEARING AND ACT UPON AN ORDINANCE REGARDING A REZONING REQUEST OF CAVENDAR TRACT-GRAY DEVELOPMENT (CASE NO. Z18-2005-147) TO CONSIDER A REQUEST TO REZONE +/- 50.19 ACRES CURRENTLY ZONED AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR RESIDENTIAL USES WITH MINIMUM LOT SIZES OF 15,000 SQUARE FEET; PROPERTY IS OUT OF THE A. R. NEWTON SURVEY, ABSTRACT NO. 793 AND GENERALLY LOCATED NORTH OF FM 1387 AND EAST OF BRYSON ROAD IN THE CITY OF MIDLOTHIAN

Mayor Whatley opened the public hearing and Mr. Hastings presented the request unanimously recommended for approval by P&Z and staff with 21 conditions. Developer Jack Giles stated that an additional structure to retain wastewater flow would be constructed.

Mayor pro tem Fryer moved to close the public hearing. Motion was seconded by Councilmember Massey and carried unanimously (7-0). Councilmember Beaudoin moved to approve Item 2006-443 with the 21 conditions recommended by P&Z and staff. Motion was seconded by Councilmember Davidson and carried unanimously (7-0).

2006-444 CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED FY 2006-2007 ANNUAL OPERATING BUDGETS FOR THE CITY OF MIDLOTHIAN

Ms. McClure presented the proposed budget and stated that all changes requested by council were incorporated into the document. Expenditures offset by revenues resulted in a balanced budget with tax rates proposed at:

| | | |
|---|-------------------|--|
| Proposed Maintenance & Operation tax rate | \$0.248037 | \$0.005955 increase from FY 2005-06 |
| Proposed Interest & Sinking tax rate | <u>\$0.409916</u> | <u>\$0.011614</u> increase from FY 2005-06 |
| Proposed total tax rate | \$0.657953 | \$0.017569 total increase from FY 2005-06 |

Councilmember Beaudoin moved to close the public hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2006-445 CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC INPUT OF PROPOSED CHANGES TO THE CITY'S ADOPTED IMPACT FEE PROGRAM FOR THE PURPOSE OF CONSIDERING THE AMENDMENT OF LAND USE ASSUMPTIONS, A CAPITAL IMPROVEMENTS PLAN, AND THE IMPOSITION OF IMPACT FEES (CASE NO. M30-2005-136)

Mayor Whatley opened the public hearing and Mr. Hastings presented the proposed changes developed during a number of work sessions over a span of several months. Presented was a summary of study findings, key elements, technical requirements and methods of utilizing roadway impact fees. Adoption was scheduled for consideration at the September 26th meeting.

Mayor pro tem Fryer moved to close the public hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

2006-446 CONSIDER AND ACT UPON NOMINATIONS TO VARIOUS BOARDS AND COMMISSIONS:

1. HISTORIC ADVISORY BOARD

Nominations were deferred to a future meeting.

Council moved to Executive Session at 7:25 p.m. for the purpose of discussing Item #8 – Annexation, with the following present: Mayor Whatley, Mayor pro tem Fryer, Councilmembers Mitchell, Beaudoin, Davidson, Sibley, Massey, City Manager, Deputy City Manager and City Attorney

EXECUTIVE SESSION

1. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 70419, GEORGE SLAYTON AND ROBERTA SLAYTON V. CITY OF MIDLOTHIAN AND OSCAR RENDA CONTRACTING, INC., 40TH DISTRICT COURT, ELLIS COUNTY, TEXAS
2. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING A PROPOSED MEDIATED SETTLEMENT OFFER IN CAUSE NO. 3-04CV-1694H, SARDIS-LONE ELM WATER SUPPLY V. CITY OF MIDLOTHIAN AND MIDLOTHIAN WATER DISTRICT
3. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 68846, ECOM REAL ESTATE MANAGEMENT, INC., V. CITY OF MIDLOTHIAN
4. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 67202, MIDLOTHIAN V. TEXAS CENTRAL BUSINESS LINES CORPORATION, ET AL, PURSUANT TO ATTORNEY'S ETHICAL DUTY TO ADVISE CITY REGARDING SUCH MATTERS
5. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING

CAUSE NO. 70243, PEGGY COLVIN V. CITY OF MIDLOTHIAN

- 6. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING ISSUES RELATED TO MID-WAX CERTIFICATE OF CONVENIENCE AND NECESSITY PERMIT APPLICATION STATUS**
- 7. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY CONCERNING CONTEMPLATED LITIGATION RELATED TO PROPERTY WEST OF WALTER STEPHENSON ROAD KNOWN AS PD-4**
- 8. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING LEGAL ISSUES RELATED TO PENDING ANNEXATION OF AREAS SUBJECT TO A MUNICIPAL ANNEXATION PLAN, PURSUANT TO ATTORNEY'S ETHICAL DUTY TO ADVISE CITY REGARDING SUCH MATTERS**
- 9. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 72768, ROBERT RATZMAN, ET AL, V. CITY OF MIDLOTHIAN**

Council reconvened in regular Session at 7:50 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2006-447 CONDUCT A PUBLIC HEARING OF CASE NO. AX02-2005-42, THE FIRST OF TWO (2) PUBLIC HEARINGS FOR A PROPOSED ANNEXATION; THE PROPOSED ANNEXATION CONTAINS +/- 256 ACRES (TRACT A) OF LAND LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT BOUNDARY LIMIT LINES OF THE CITY OF MIDLOTHIAN; IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER 43 SUBCHAPTER C

Mayor Whatley explained the format and logistics for receiving public input. The second public hearing would be held on September 26th and the location was tentatively scheduled at T.E. Baxter Elementary School. Issues raised at previous meetings were addressed, i.e., grandfathering livestock and existing businesses, building metal barns on acreage, development of rural zoning districts to protect large lots, tax increases approximately \$600 - \$700 per year with \$70,000 exemption for those over 65 and for disabled veterans. Councilmember Beaudoin moved to open the public hearing. Motion was seconded by Councilmember Sibley and carried unanimously (7-0).

SPEAKING IN OPPOSITION WERE:

| | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|
| Tamora Warmack | Neil Warmack | Nicki Smith | John Hermanson |
| 2810 Stevie Mike | 2810 Stevie Mike | 2080 FM 1387 | 340 Lynn timer Pennie |
| Peggy Hermanson | Johnny Grant | Sandra Grant | Linda Hamilton |
| 340 Lynn timer Pennie | 2241 Lon Hayes Drive | 2241 Lon Hayes Drive | 130 Clinton Lane |
| Elizabeth Dykes | Greg Pasley | Alan Reed | Donald Luttrell |
| 660 Primrose | 310 Clinton Lane | 321 Lynn timer Pennie | 630 Mr. Bob |
| Kay Luttrell | Robert Shields | Allan Christie | Tom Hendrickson |
| 630 Mr. Bob | 530 Lynn timer Pennie | 341 Daisy Road | 2426 Francis Lane |

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|-------------------------------------|--|------------------------------------|-----------------------------------|
| Tyda Shields 530 Lynnne Pennie | Terri Neef 2141 Lon Hayes Road | Robert Miklos 1717 Main, Dallas | Mary Hodge 2424 Frances Lane |
| Bill Yindrak 631 Primrose | Jo Yindrak 631 Primrose | Brenda Sposito 2410 Stevie Mike | Richard Henry 140 Clinton Lane |
| Kaye Henry 140 Clinton Lane | Marilyn Parker 410 McAda | Frances Duke 410 McAda | Adelia Foster 350 Daisy Road |
| Rusty Foster 350 Daisy Road | Angie Stephens 510 Daisy Road | Reymond Martinez 630 Primrose | Steven DeLosSantos 411 McAda |
| Stella DeLosSantos 411 McAda | Brent Kimbell 1325 Dove Drive | R. Glynn Dill 120 Clinton Lane | Kim Houston 2121 Lon Hayes |
| Cliff Russell 6230 Waterworks Rd | Leticia Benvenuto 510 Lynnne Pennie | Randy Smith 2080 FM 1387 | Roger Hodge 2424 Frances Lane |
| Don Lish 2811 Clearview | Tony Gill 560 Kirk Road | | |

COMMENTS RECEIVED WERE:

- Research was performed when relocated to Midlothian, considered restrictions, resale value, affordable taxes; cost of city taxes and possible annual increases are not in budget
- Shop locally, buy gasoline, use bank and doctors, pay for services such as dry cleaning, haircuts, restaurants – city benefits from sales tax from consumers
- Won't be allowed to park car-hauler truck on property if annexed
- Will the city help during resale if property owner can't recoup investment due to taxes?
- Live in country because do not want restrictions on construction, permits or inspections
- Annexation is a violation of American freedom
- The city has grown 50% with no increases in police officers, how can the city provide patrol of expanded areas without adding personnel?
- Already have services that city would offer: law enforcement, fire and ambulance, garbage service, water, septic system
- Cannot rely on promises of this council because future councils can change rules
- Have 60 foot radio tower in backyard that would have to be removed if annexed
- Have antique tractor collection on display in yard that would have to be removed if annexed
- Do not want to be "forced" to do anything, and certainly not forced to come into city
- County service is sufficient
- Do not pay sewer rates because of septic system, do not want to pay for sewer service for water that city does not treat, i.e., watering yard and filling pool
- Should be able to vote as to whether annexation is desired
- Other cities do not charge for people passing through town on their streets
- Concerned about ability to replace trailer home and metal storage buildings if destroyed
- Pay school taxes yet have no children in school, city taxes would be same – cost without benefit
- Encourage everyone in areas proposed for annexation to take consumer dollars to other areas – shopping, dining, personal services, etc.
- Simply a land-grab to raise additional revenue

- Area already built out, no need for protection from uncontrolled growth
- Establish appropriate user fees for services utilized by residents outside city limits
- Will encourage everyone annexed to vote against every bond election, every incumbent, every proposal
- Annexation will create a new voting block that will vote out incumbents and vote in annexed people to control direction of city
- People should have voice in property rights and vote if annexation desired, anything forced is assault on civil liberties, violation of public trust and misuse of power, taxation without representation
- Meeting began with Proclamation recognizing the Constitution – document allows for people to determine their future for themselves through their elected representatives
- Poor and those on fixed incomes suffer when tax burden is added; charities will suffer because funds won't be available to contribute
- Do not want to lose rural character, do not want to become Plano, Richardson, Frisco

NON-SPEAKERS REGISTERING IN OPPOSITION WERE:

| | | | |
|--------------------|-------------------|---------------------|-------------------|
| Gary Benvenuto | Esteban Caceres | Imelda Caceres | Chris Caldwell |
| 510 Linnie Pennie | 550 Kirk Road | 550 Kirk Road | 2310 Francis Lane |
| Kim Caldwell | Victor Collingham | Pauline Delossantos | Patricia DeWeese |
| 2310 Francis Lane | 6211 Vicney Lane | 251 McAda | 2441 Frances Lane |
| Julie Dill | Cindy Dugas | Donna Gill | Horst Held |
| 120 Clinton Lane | 670 McAda Drive | 560 Kirk Road | 541 Linnie Pennie |
| Sharon Hendrickson | Donald Luttrell | Kay Luttrell | Rex Salmon |
| 2426 Frances Lane | 630 Mr. Bob Drive | 630 Mr. Bob Drive | 241 McAda |
| Paul H. Welch | Paul Welch II | Sonora Martinez | |
| 1021 McAda | 1011 McAda | 630 Primrose | |

NON-SPEAKER REGISTERING IN SUPPORT WAS:

Tammy Le'June
3860 Monroe Drive

Councilmember Beaudoin moved to close the public hearing. Motion was seconded by Councilmember Davidson and carried unanimously (7-0).

2006-448 CONDUCT A PUBLIC HEARING OF CASE NO. AX02-2005-42, THE FIRST OF TWO (2) PUBLIC HEARINGS FOR A PROPOSED ANNEXATION; THE PROPOSED ANNEXATION CONTAINS +/- 985 ACRES (TRACT B) OF LAND LYING WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN AND ADJOINING THE PRESENT BOUNDARY LIMIT LINES OF THE CITY OF MIDLOTHIAN; IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER 43 SUBCHAPTER C

Mayor Whatley read the caption and Mayor pro tem Fryer moved to open the public hearing. Motion was seconded by Councilmember Beaudoin and carried unanimously (7-0).

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| Bradley Young | Randy Kirk | Brian Smith | Cathy Mitchell |
| 3021 Clearview | 1525 Tower Road | 1111 Pimlico | 920 Pimlico |

| | | | |
|------------------------------|---|-----------------------------------|----------------------------------|
| Roby Bass 2240 Starwashed | Kathleen Wood Granbury | David Lister 901 Pimlico | Raymond Cuddy 2841 Starwashed |
| B.W. Moore 2831 Clearview | Jim Westbrook 4410 Sir Lancelot Cir. | Terry Ricketts 1351 Tower Road | |

COMMENTS RECEIVED WERE:

- Even if a new zoning category created to protect large lots, it will always be subject to change at whim of new staff members, new councilmembers
- Enjoy lifestyle that allows residents to construct home in own way without city intervention
- Kuwait invaded Iraq, now local government wanting to do same to county residents
- Disgrace that incentives were given to bring WalMart to come into area, utilize child labor
- City won't be able to take care of an additional increase of 10% area
- People annexed will suffer sociological trauma and never feel safe again

At approximately 10:20 p.m., a light bulb in the ceiling popped creating an electrical arc that caught insulation on fire. The building was evacuated and the fire department was called. The small fire was extinguished before firefighters arrived but the room was filled with smoke and the public hearing could not continue.

REGISTERED AS SPEAKERS IN OPPOSITION BUT UNABLE TO SPEAK DUE TO EMERGENCY WERE:

| | | | |
|--------------------------------------|---|--|--|
| Randy Pullen 731 Allen Lane | Charlie Gross 3441 Bluegrass | Jack Minix 9280 Sir Lancelot Cir. | Virginia Jenkins 4400 Sir Lancelot Cir. |
| Debbie Rockett 1111 Pimlico | Carolyn Beyer Pickle 2210 Starwashed | Charles Wade Pickle 2210 Starwashed | J.F. Hazzard 3241 FM 663 |
| Edwin Phelps 2030 Starwashed | John Wickersham 1120 Cedar Drive | Marsha Massie 551 Bluebonnet | William Massie 551 Bluebonnet |
| Helen Mosser 1511 Tower Road | Leon Baker 3050 Starwashed | Teresa Smart 911 Pimlico | Dennis Smart 911 Pimlico |
| Terri Wickersham 1120 Cedar Drive | Sam Rodgers 1140 Cedar Drive | Marilyn Hopkins 2630 Starwashed | Craig Shuman 740 Apple Lane |
| Lauri Winingham 511 Allen Lane | Brad Winingham 511 Allen Lane | Jack Peel 3410 Starwashed | Jimmy Byrd 910 King Arthur |
| Don Holson 3230 Starwashed | Nelson Coffman 2010 Starwashed | Robin Smitherman 3250 Bluegrass | Krystal Coffman 4420 Sir Lancelot |
| Jim McDonald 1371 Tower Road | Peggy Kirk 1525 Tower Road | Sid Kuykendall 2020 Starwashed | Correy Turley 2011 Clearview |
| Steve Smitherman 3250 Bluegrass | Jeff Vance 531 Bluebonnet | James Garner 3061 Starwashed | Robert Hopkins 2630 Starwashed |
| Willem Noteboom 3040 Starwashed | Paula Noteboom 3040 Starwashed | Steve Slater 2020 Clearview | Justin Coffman 4420 Sir Lancelot |
| Kenneth Dodd 3221 Starwashed | Robert Odenbaugh 591 Bluebonnet | Jon Treibly 980 Belmont Drive | Joyce Keafer 3010 Clearview |

| | | | |
|---------------------------------------|--|-------------------------------------|---------------------------------------|
| John Dooley 3671 FM 663 | Glenda Dooley 3671 FM 663 | Jan Armstrong 741 Belmont | William Redding 2010 Clearview |
| Deborah LeMoine 3421 Starwashed | Vicky Davis 3031 Starwashed | Fred Major 542 Bluebonnet Lane | Bill Wilson 3241 Bluegrass |
| Nancy Ricketts 1351 Tower Road | Ann Major 561 Allen Lane | Bill Major 561 Allen Lane | Margaret Mary 3030 Clearcreek |
| Martin Mary 3030 Clearcreek | Steve Waugh 4210 Sir Lancelot | Neal Haynes 2811 Starwashed | Una Haynes 2811 Starwashed |
| Jerry Thompson 1130 Pimlico | F.E. Toering 2640 Starwashed | D.F. Walters 2631 Starwashed | Elda Taylor 4200 Sir Lancelot Cir. |
| John Taylor 4200 Sir Lancelot Cir. | Barbara Lish 2811 Clearview | Donald Lish 2811 Clearview | Dianna Thompson 1130 Pimlico |
| Sherry Mossbarger 2810 Clearview | John Bottkol 4411 Sir Lancelot Cir. | Marie Beck 4440 Sir Lancelot | Lana Shuman 740 Apple Lane |
| Donna Winsor 910 Apple Court | Anne Rodgers 1140 Cedar Drive | Sherry Major 542 Bluebonnet Lane | Mark Hairston 950 Pimlico |
| Dean Thomas 990 King Arthur | Mike Burnard 2621 Clearview | | |

NON-SPEAKERS REGISTERED IN OPPOSITION:

| | | | |
|--------------------------------------|---|--|--|
| Robert Armstrong 741 Belmont | Wayne Orr 2841 FM 663 | Kristee Orr 2841 FM 663 | M Wynette Green 1120 Apple Lane |
| Michael Young 4431 Kings Court | Janean Baker 3050 Starwashed | Pat Thornton 1120 Bluegrass Court | Robert Ueberroth 1160 Cedar Drive |
| Dottie Ueberroth 1160 Cedar Drive | Dennis Lauterbach 1161 Cedar Drive | Shirley Lauterbach 1161 Cedar Drive | Kael Bradford 541 Allen Lane |
| Davonnia Cox 1330 Apple Court | Robert Carbajal 541 Apple Lane | Tim Hall 2821 Starwashed | Linda Odenbaugh 591 Bluebonnet Lane |
| Glen Toman 571 Bluebonnet | Becky Toman 571 Bluebonnet | Patrick Bouldin 4451 Kings Court | Leroy G. Nabors 2030 Clearview |
| Clyde Bryant 3211 Starwashed | Jason Kizlinski 4250 Sir Lancelot Cir. | Ted Miller 2410 Clearview | Bobby Carbajal 710 Belmont |
| Jackie Carbajal 710 Belmont | Rhonda Burch 1111 Bluegrass Court | Hoyt C. Evans 640 Primrose | Catherine Wilson 1331 Apple Court |
| Toni Samaniego 640 Primrose | Martha Willis 1325 Tower | G.W. Willis 1325 Tower Road | Pat Hall 2821 Starwashed |
| Sid Kuykendall 2020 Starwashed | | | |

NON-SPEAKER REGISTERING IN SUPPORT WAS:

Tammy Le'June
3860 Monroe Drive

REGULAR AGENDA

2006-449 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 1: LEGAL – SLAYTON

The item was not discussed nor was any action taken.

2006-450 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 2: LEGAL – SLEW SETTLEMENT

The item was not discussed nor was any action taken.

2006-451 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 3: LEGAL – ECOM, CAUSE 68846

The item was not discussed nor was any action taken.

2006-452 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 4: LEGAL – TCBL

The item was not discussed nor was any action taken.

2006-453 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 5: LEGAL – COLVIN

The item was not discussed nor was any action taken.

2006-454 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 6: LEGAL – CCN

The item was not discussed nor was any action taken.

2006-455 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 7: LEGAL – PD-4

The item was not discussed nor was any action taken.

2006-456 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM # 8: LEGAL – ANNEXATION

No action was taken following Executive Session.

2006-457 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #9: LEGAL – RATZMAN

The item was not discussed nor was any action taken.

2006-458 ADJOURN

After it was determined that the public hearings could not continue, Mayor pro tem Fryer moved to close the public hearing. Motion was seconded by Councilmember Beaudoin. Mayor pro tem then moved to adjourn. Motion was seconded by Councilmember Beaudoin. The meeting was adjourned at 10:36 p.m.

Boyce L. Whatley, Mayor

ATTEST:

Lou Jameson, City Secretary