

ROCKWALL CITY COUNCIL REGULAR MEETING

Monday, December 05, 2022 - 5:00 PM

City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087

I. CALL PUBLIC MEETING TO ORDER

Mayor Fowler called the meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem Trace Johannesen, and Councilmember Clarence Jorif, Dana Macalik, Anna Campbell, Bennie Daniels and Mark Moeller. Also present were City Manager Mary Smith and Assistant City Manager Joey Boyd. City Attorney Frank Garza joined Executive Session remotely.

II. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding filling vacancy for City Council Member Place 5, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)

III. ADJOURN EXECUTIVE SESSION

Council adjourned from Ex. Session at 5:25 p.m.

IV. RECONVENE PUBLIC MEETING (6:00 P.M.)

Mayor Fowler reconvened the meeting at 6:00 p.m.

V. INVOCATION AND PLEDGE OF ALLEGIANCE - MAYOR FOWLER

Mayor Fowler delivered the invocation and led the Pledge of Allegiance.

VI. OPEN FORUM

Mayor Fowler explained how Open Forum is conducted; however, no one indicated a desire to come forth and speak. So, he closed Open Forum.

VII. TAKE ANY ACTION AS A RESULT OF EXECUTIVE SESSION

No action was taken as a result of Ex. Session.

VIII. CONSENT AGENDA

1. Consider approval of the minutes from the November 21, 2022 regular city council meeting, and take any action necessary.
2. **Z2022-047** - Consider a request by Javier Silva and JMS Custom Homes, LLC for the approval of an ordinance for a Zoning Change from Agricultural (AG) District to a General Retail (GR) District for a 1.837-acre tract of land identified as Tract 6 of the M. B. Jones Survey, Abstract No. 122, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY OV) District, generally

located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary **(2nd Reading)**.

3. **Z2022-049** - Consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an ordinance for a *Specific Use Permit (SUP)* for Residential Infill Adjacent to an Established Subdivision for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary **(2nd Reading)**.
4. **Z2022-050** - Consider approval of an ordinance for a *Text Amendment* to Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] for the purpose of making minor changes to Subsection 06.16, *Lake Ray Hubbard Takeline Overlay (TL OV) District*, and take any action necessary **(2nd Reading)**.
5. **P2022-057** - Consider a request by Jeff Kilburg of Apex Design Build on behalf of Chad Capps of CMH Real Estate, LLC for the approval of a *Replat* for Lot 12, Block B, Horizon Ridge Addition being a 1.253-acre parcel of land identified as Lot 5, Block B, Horizon Ridge Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, situated at the northwest corner of the intersection of Rockwall Parkway and Summer Lee Drive, and take any action necessary.
6. Consider approval of a 12 month service agreement with Fidelis Security in the amount of \$48,000 for cybersecurity consulting to be funded by the Information Technology Department Operating Budget, and authorize the City Manager to execute the agreement, and take any action necessary.
7. Consider approving and authorizing the City Manager to execute a contract with Riverstone Fence Co. for installation of 800 linear feet of wrought iron perimeter fence at the 66 cemetery in the amount of \$44,250.00 to be funded by the Cemetery Fund, and take any action necessary.

Councilmember Jorif moved to approve the entire Consent Agenda (#s 1, 2, 3, 4, 5, 6, and 7). Councilmember Moeller seconded the motion. The ordinance captions were read as follows:

**CITY OF ROCKWALL
ORDINANCE NO. 22-60**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A GENERAL RETAIL (GR) DISTRICT FOR A 1.837-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE M. B. JONES SURVEY, ABSTRACT NO. 122, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**CITY OF ROCKWALL
ORDINANCE NO. 22-61
SPECIFIC USE PERMIT NO. S-290**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL ADJACENT TO AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.3080-

located on the east side of FM-1141 south of the intersection of Waters Edge Drive and FM-1141, and take any action necessary (2nd Reading).

3. **Z2022-049** - Consider a request by Deanna Welch-Williams of Sheldon Custom Homes on behalf of Kenneth and Debbie Wade for the approval of an ordinance for a *Specific Use Permit (SUP)* for *Residential Infill Adjacent to an Established Subdivision* for the purpose of constructing a single-family home on a 0.3080-acre parcel of land identified as Lot 6, Block A, Eagle Point Estates Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, situated within the Scenic Overlay (SOV) District, addressed as 1505 S. Alamo Street, and take any action necessary (2nd Reading).
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7. Consider approving and authorizing the City Manager to execute a contract with Riverstone Fence Co. for installation of 800 linear feet of wrought iron perimeter fence at the 66 cemetery in the amount of \$44,250.00 to be funded by the Cemetery Fund, and take any action necessary.

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ACRE PARCEL OF LAND, IDENTIFIED AS LOT 6, BLOCK A, EAGLE POINT ESTATES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL
ORDINANCE NO. 22-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 05, *DISTRICT DEVELOPMENT STANDARDS*, AS DEPCITED IN *EXHIBIT 'A'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 7 ayes to 0 nays.

IX. APPOINTMENT ITEMS

1. Appointment with Planning & Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

No representative was present, so this agenda item was not addressed.

X. PUBLIC HEARING ITEMS

1. **Z2022-048** - Hold a public hearing to discuss and consider a request by Bryan Cook for the approval of an ordinance for a *Specific Use Permit (SUP)* for a *Guest Quarters/Secondary Living Unit/Detached Garage/Carport* on a one (1) acre parcel of land identified as Lot 13, Block A, Saddlebrook Estates #2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 2348 Saddlebrook Lane, and take any action necessary (**1st Reading**).

The applicant is requesting to construct a 30'x52' or 1,560 SF metal Guest Quarters/Detached Garage. The Guest Quarters/Detached Garage will have 1,200 SF of enclosed area and a 360 SF outdoor living area and a carport. According to the applicant, the structure will be constructed of metal and used as a garage; however, there will be a bathroom, which is one element of a dwelling unit qualifying this request as a Guest Quarters/Secondary Living Unit. On October 20, 2022, staff mailed 24 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Stoney Hollow Homeowners Association (HOA), which is the only HOA or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. At the time this report was drafted, staff had received the following: (1) Two property owner notifications from within the 500-foot buffer in favor of the applicant's request and (2) Three property owner notifications from within the 500-foot buffer in opposition of the applicant's request. Mr. Miller went on to share that the City's Planning & Zoning Commission met and reviewed this case and has made a recommendation to deny this

request. In addition, a super majority vote of Council is required in order for this case to receive approval from Council this evening.

Mayor Fowler opened the public hearing, but no one indicated a desire to speak. So the public hearing was closed.

Councilmember Daniels then moved to deny Z2022-048. Councilmember Jorif seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XI. ACTION ITEMS

1. **Z2019-027** - Discuss and consider a request by Raymond Jowers of Jowers, Inc. for the extension of Ordinance No. 20-01 (S-212) allowing outside storage in conjunction with an existing trailer and parts sales and service facility (*Big-Tex Trailers*) on a 4.4317-acre tract of land identified as Tract 22-01 of the R. Irvine Survey, Abstract No. 120, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 2260 E. IH-30, and take any action necessary.

Mr. Miller provided background information concerning this agenda item. The location is along IH-30 (on the South side) just to the East of IH-30 and Corporate Crossing (SH-549). On February 3, 2020, the City Council approved Ordinance No. 20-01 (S-212) allowing outside storage of trailers for Big-Tex Trailers on the subject property at 2260 E. IH-30. This Specific Use Permit (SUP) was an extension of a previously granted SUP that was originally adopted on August 4, 2008, extended on April 1, 2011 and April 7, 2014, and amended on February 14, 2017. A case memo for (previous) Case Z2019-027 has been provided to Council in tonight's meeting packet for a complete history of the subject property. As with the previous ordinances, Ordinance No. 20-01 included an operational condition that stated the following: The Specific Use Permit (SUP) shall be valid for a period of three (3) years from the date of the approval of this ordinance. If an extension of the SUP is necessary, the owner shall submit a request in writing to staff no less than 90 days prior to the expiration of the SUP. Upon receipt of the request, the City Council shall review the SUP and determine if an extension of the SUP is permitted based on the development of FM-549 and the IH-30 overpass construction and/or other development activity in the area.

In accordance with this operational condition, the property owner -- Raymond Jowers of Jowers, Inc. -- submitted a development application and letter on October 28, 2022 requesting to extend the Specific Use Permit (SUP). Based on this request, staff is bringing the case forward to the City Council for consideration of an extension. Staff noted that there are currently three (3) projects that have been approved on adjacent properties in the area. These include: [1] a sports complex (i.e. Fit Sport Life), which is currently under construction; [2] a Golf Driving Range (i.e. the Texas Wedge), which was granted a Specific Use Permit (SUP) on October 3, 2022; and [3] two (2) Warehouse/Distribution Facilities off Data Drive, which are currently nearing completion of civil engineering plans. In addition, since Ordinance No. 20-01 was approved, the FM-549 overpass construction was completed, and the City has completed the utility relocations for the IH-30 improvements. The IH-30 project was also let on November 2, 2022. For the City Council's reference, staff has included a map showing the subject property in relation to the location of each of these projects. Should the City Council choose to grant the extension of the Specific Use Permit (SUP) for a period not to exceed three (3) years, no additional approvals or process will be necessary. If the City Council chooses to extend the Specific Use Permit (SUP) for a period in excess of three (3) years, staff will be required to advertise the case in accordance with the requirements of the Unified Development Code (UDC) and bring a revised ordinance forward to the Planning and Zoning and City Council for public hearing and action. If the City Council chooses not to grant the extension request, the Specific Use Permit (SUP) will expire in accordance with the operational conditions contained in Ordinance No. 20-01, and all outside storage activities on the site will be required to cease.

Mayor Fowler then called forth the applicant to speak.

Raymond Jowers
3290 Anna Cade Circle
Rockwall, TX

Applicant's representative (from "Big-Tex Trailers" but name was indistinguishable)
A St. Louis, MO address was given.

The applicant and his representative came forth and shared that they have been at this location since 2008. Also, the Big-Tex company has 63 retail locations nationwide and six manufacturing facilities. In addition to manufacturing and selling trailers, they also now 'up-fit' and enhance trucks (a business within Big Tex named "Truck Fitters"). The representative expressed that having an SUP granted for only three years is concerning to him and his employees, so they would really prefer to be able to obtain an SUP for a longer period of time if that is possible.

Councilmember Daniels asked for clarification regarding alternatives to granting the requested extension. Mr. Miller shared that the Council can grant up to a three-year extension. Anything more than 3 years would require the applicant to have to go back through the SUP process because it would be considered more of a substantial change. In addition, they would have to change the outside storage associated with their current SUP. They will potentially need to come back once every three years to re-up the SUP. Clarification was given regarding changing the current draft ordinance and what would necessitate the applicant having to go back through the entire SUP process (or not). Questions and answers ensued pertaining to the existing ordinance (Ord. 20-01, S-212) that is in place, specifically related to possible screening requirements associated with this property on the SUP that's currently in place. Mr. Miller shared that, although screening requirements were mentioned in a memo associated with a previous SUP case for Big-Tex, that verbiage did not actually make it into the language of that previously adopted SUP ordinance (that council is now being asked to consider extending).

Following additional discussion, Councilmember Daniels moved to approve Z2019-027. Councilmember Macalik seconded the motion. Additional dialogue ensued between Councilmembers and the applicant, and the motion to approve eventually passed by a vote of 7 ayes to 0 nays.

2. **MIS2022-023** - Discuss and consider a request by Patricia Mejia on behalf of the Children's Advocacy Center of Rockwall County for the approval of a *Miscellaneous Case* for an *Exception* to the *Street Improvement Requirements* contained in the Municipal Code of Ordinances for a 7.497-acre tract of land identified as Tract 68 of the R. Ballard Survey, Abstract No. 29, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located northwest of the curve connecting Airport Road and E. Washington Street, and take any action necessary.

Mr. Miller, Planning Director, provided background information pertaining to this agenda item. This property is currently vacant, and the applicant is requesting exceptions to the city's current street improvement-related requirements. The applicant plans to build and establish a 31,500 square foot service provider type facility at this location. According to the applicant, adhering to the city's requirements will result in an unnecessary hardship on the part of the applicant.

Based on this requirement, the President and CEO of the CACRC -- Patricia Mejia -- has submitted a letter requesting an exception to the construction of the roadway and sidewalks for E. Washington Street. The

letter indicates a willingness to provide the necessary right-of-way for the future roadway. So the applicant is only requesting the exception for the street improvements. As stated in the letter, this request is predicated on the CACRC's plans to not take access off of E. Washington Street and to reduce the costs associated with this street on this Social Service Provider. Based on Section 38-19 of the Municipal Code of Ordinances, the City Council has the ability to grant an exception to the street improvement requirements, as it states, "(w)here in its judgement the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured upon recommendation by the City Planning and Zoning Commission, the City Council may, in specific cases, at a regular meeting of the City Council, and subject to appropriate conditions and safeguards, authorize special exceptions to these regulations in order to permit reasonable to these regulations in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship." In this case, granting this exception does not appear to change the essential character of the area, nor would it substantially injure any adjacent properties; however, this request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. Based on this, staff brought the case forward to the Planning and Zoning Commission on November 30, 2022 for a recommendation, and after deliberation the Planning and Zoning Commission has recommended approval of this request by a vote of 6-0.

Patricia Mejia from the Child Advocacy Center of Rockwall County then came forth and briefly addressed the Council. She generally expressed that this organization was formed about four years ago, and it is the only organization of its kind in the County. The organization provides a collaborative response to child victims of abuse and their non-offending family members. She went on to explain that the Council's decision this evening will directly impact whether or not the organization is able to build a facility that is able to adequately accommodate the volume that is currently being experienced in the County.

Mayor Pro Tem Johannesen moved to approve MIS2022-023. Councilmember Campbell seconded the motion, which passed by a vote of 7 ayes to 0 nays.

XII. CITY MANAGER'S REPORT, DEPARTMENTAL REPORTS AND RELATED DISCUSSIONS PERTAINING TO CURRENT CITY ACTIVITIES, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Department Monthly Report - October 2022
2. Fire Department Monthly Report - October 2022
3. Parks & Recreation Department Monthly Report - October 2022
4. Police Department Monthly Report - October 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

Brief comments were made related to this past weekend's Kiwanis Christmas parade, the city's Christmas tree lighting event and other downtown-related holiday events that were held, all of which were successful. The mayor thanked the city's staff, specifically the Parks Department, as well as all organizations who were involved in making the various events successful.

XIII. EXECUTIVE SESSION.

THE CITY OF ROCKWALL CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION TO DISCUSS THE FOLLOWING MATTER AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE:

1. Discussion regarding filling vacancy for City Council Member Place 5, pursuant to Section 551.074 (Personnel Matters) and Section §551.071 (Consultation with Attorney)
2. Discussion regarding (re)appointments to city regulatory boards, commissions, and committees - specifically the Board of Adjustments (BOA) - pursuant to Section 551.074 (Personnel Matters)

XIV. RECONVENE PUBLIC MEETING & TAKE ANY ACTION AS RESULT OF EXECUTIVE SESSION

Council did not reconvene in Ex. Session following the close of the public meeting agenda.

XV. ADJOURNMENT

Mayor Fowler adjourned the meeting at 6:40 p.m.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 19th
DAY OF DECEMBER, 2022.**



KEVIN FOWLER, MAYOR

ATTEST:



KRISTY TEAGUE, CITY SECRETARY

