

MINUTES OF REGULAR CITY COUNCIL MEETING AND WORK SESSION HELD BEGINNING AT 1:30 P.M., AUGUST 6, 1979, COUNCIL CHAMBER, MUNICIPAL BUILDING.

Present: Mayor B.J. Smith, Councilmen Len Gibbens, Joe Goggans, Vernie Erwin, Councilwoman Brunhilde Nystrom; City Manager C.K. Duggins and City Secretary Norma G. McGaughy.

Absent: Councilmen Jim Lassiter and Bill Blackwood.

CITY COUNCIL-STAFF WORK SESSION.

A. DISCUSSION HELD RE SCREENING REQUIREMENT FOR MATLOCK'S CHILDREN CENTER NO. 2, 1412 SOUTH BELT LINE ROAD.

COUNCIL ACTION  
No. 332-79

A discussion was held regarding Mr. Matlock's failure to comply with the screening requirement (3-1/2-foot living hedge screen spaced two feet apart) by the City Council at the last City Council meeting for Matlock's Children Center No. 2, 1412 South Belt Line Road. Mr. James Matlock was present and stated he has had difficulty in locating the required plants.

Mr. Gibbens moved to require a living hedge (waxleaf ligustrum) 3-1/2 feet in height, spaced 3-1/2 feet apart to be completed within 45 days from this date. Motion was seconded by Mr. Erwin and approved unanimously.

B. MAYOR AUTHORIZED TO EXECUTE QUITCLAIM DEED TO T.C. LUPTON FOR ABANDONMENT OF UNUSED RIGHT-OF-WAY NORTH OF BARNES BRIDGE ROAD AND WEST OF PALOS VERDES DRIVE.

COUNCIL ACTION  
No. 333-79

Mr. William R. Hayes, attorney for Mr. T.C. Lupton, appeared before the City Council regarding abandonment of street right-of-way (887 feet in length, 1.22 acres) north of Barnes Bridge Road and west of Palos Verdes Drive which was originally dedicated to the County in 1936 for a road but was never opened to traffic as a public street. The County quit-claimed this abandoned right-of-way to the City of Mesquite and Mr. Lupton, owner of the adjacent land, is now requesting that the City convey this right-of-way to him.

Mrs. Nystrom entered the meeting.

The City Attorney advised that he did not feel a public hearing would be required because the street was not opened to traffic as a public street.

Mr. Gibbens moved to abandon this unused street right-of-way and to authorize the Mayor to execute a quit-claim deed for said unused right-of-way to Mr. T.C. Lupton, conditioned upon the dedication of right-of-way for Barnes

Bridge Road by Mr. Lupton. Motion was seconded by Mrs. Nystrom and approved unanimously.

COUNCIL ACTION  
No. 334-79

C. DISCUSSION HELD RE REQUEST FOR ABANDONMENT OF PORTION OF SAN MARCUS AVENUE.

Mr. Billy Thompson, Director of Community Development, reported that G.T. Oates Limited Partnership had requested abandonment of a certain portion of San Marcus through their property, located north of Oates Drive and west of Gus Thomasson Road, to allow for the realignment of said street to accommodate the development of their property. This portion of San Marcus was dedicated by plat and has not been constructed.

Mr. Goggans moved to authorize abandonment of this portion of San Marcus Drive, located north of Oates Drive and west of Gus Thomasson Road, to provide for realignment of said street. Motion was seconded by Mr. Erwin and approved unanimously.

COUNCIL ACTION  
No. 335-79

D. REPORT GIVEN BY CITY'S REPRESENTATIVE OF REGIONAL TRANSPORTATION AUTHORITY RE WORKSHOP HELD BY REGIONAL TRANSPORTATION COUNCIL CONCERNING THE REGIONAL TRANSPORTATION AUTHORITY.

Mr. Chip MacLelland, the City's representative on the Regional Transportation Authority, gave a report regarding the workshop held by the Regional Transportation Council concerning the Regional Transportation Authority, and requested input by the City Council as to what services are needed in Mesquite.

COUNCIL ACTION  
No. 336-79

E. REQUEST OF CITY OF MCKINNEY TO BECOME MEMBER OF EAST FORK REGIONAL WASTEWATER SYSTEM - APPROVED.

Mr. Larry Baldwin, Assistant City Manager, reported that the City of McKinney desires membership in the East Fork Regional Wastewater System.

After discussion, Mrs. Nystrom moved that the City of McKinney be given the option of becoming a member of the East Fork Regional Wastewater System. Motion was seconded by Mr. Goggans and approved unanimously.

COUNCIL ACTION  
No. 337-79

F. DISCUSSION HELD RE LICENSE FOR ADULT DANCE STUDIOS.

A discussion was held regarding license fees for adult dance studios. The City Manager reported that a survey had been conducted to see what other cities charge for such activities and it was found that other cities do not charge for a license for dance studios.

Mrs. Nystrom moved that the City reduce the license fee from \$150.00 for an adult dance studio to \$5.00, contingent upon the statement that the instructions for dancing will be a series of lessons rather than for one day. Motion was seconded by Mr. Goggans and approved unanimously.

A 10-minute recess was held.

REGULAR CITY COUNCIL MEETING - 3:00 P.M.

Invocation was given by Mr. Gibbens.

APPROVAL OF MINUTES.

Mr. Gibbens moved to approve the Minutes, as submitted, of the regular City Council meeting held July 16, 1979. Motion was seconded by Mr. Erwin and approved unanimously.

1. PUBLIC HEARING - ZONING - APPLICATION NO. TRA-2,  
CITIES SERVICE COMPANY - APPROVED.

COUNCIL ACTION  
No. 338-29

A public hearing was held to consider Application No. TRA-2 submitted by Cities Service Company for an amendment to the Zoning Ordinance from General Retail to Service Station on part of Lot 1-B, Trails Addition. This .6-acre tract of land is located on the eastern corner of the Northwest Drive and Oates Drive intersection, fronting Oates Drive 175 feet and Northwest Drive 150 feet. Mr. Johnny Howard, representative of Cities Service Company, presented the application. Pictures of the proposed facility were shown. Mr. Howard stated that the service station would handle various convenience items but not magazines and no coin-operated machines would be at this location.

No others appeared for or against the proposed zoning change. Mayor Smith declared the public hearing closed.

Mr. Goggans moved to approve the application, as submitted, and to authorize preparation of an ordinance to this effect. Motion was seconded by Mr. Gibbens and approved unanimously.

2. SITE PLAN FOR TRACT OF LAND LOCATED 300 FEET NORTH  
OF TRIPP ROAD AND GUS THOMASSON ROAD INTERSECTION  
ON MEADOW LANE - DAVID ELLIS - APPROVED.

COUNCIL ACTION  
No. 339-29

Mr. David Ellis presented a Site Plan for Planned Development - Duplex on a tract of land located approximately 300 feet north of the Tripp Road and Gus Thomasson Road intersection, on Meadow Lane.

After discussion, Mr. Goggans moved to approve the Site Plan with the following stipulations: (1) there shall be a 14-foot alley right-of-way with 12 feet of paving on both sides of the property; (2) there shall be a 16-foot alley right-of-way with 12 feet of paving at the rear and (3) all alley intersections with the street shall be at 90° angles with 10-foot corner radii. Motion was seconded by Mrs. Nystrom and approved unanimously.

COUNCIL ACTION  
No. 340-79

3. REQUEST FOR VARIANCE TO SWIMMING POOL ORDINANCE  
NO. 1207 BY MS. WILMA PETERS, 732 WILLOWBROOK.

Ms. Wilma Peters, 732 Willowbrook, appeared before the City Council to request that she be permitted to use an existing 4-foot chain link fence with rose bushes and vines that exceed 6 feet in height on one side of the swimming pool, which she contends would meet the intent of swimming pool Ordinance No. 1207 requiring a 6-foot stockade or chain link fence. She displayed photographs showing this living screen.

Mrs. Nystrom moved to authorize Ms. Peters to use the foliage on one side of the swimming pool for screening purposes, with the stipulation that if and when this foliage no longer exists that the 6-foot fence would be installed. Motion was seconded by Mr. Gibbens and approved unanimously.

COUNCIL ACTION  
No. 341-79

4. REQUEST BY CORN DOG #7 FOR PERMISSION TO PLACE  
TEMPORARY METAL BUILDING ON GIBSON'S DISCOUNT  
STORE PARKING LOT, 5101 GUS THOMASSON ROAD - DENIED.

Mr. L. Ray McKinney, President of Corn Dog #7, Route 2 Hughes Springs, Texas, appeared before the City Council to request approval of the placement of an 8 X 12-foot temporary building at Gibson's Discount Store parking lot at 5101 Gus Thomasson Road, to be used as a concession stand. Mr. McKinney indicated that this actually was a trailer with retractable wheels. Concern was expressed by the City Council that he would not have water and sewer facilities and that the building was not masonry.

Mr. Goggans moved to grant permission to Mr. McKinney to place an 8 X 12-foot temporary metal building on the parking lot of Gibson's Discount Store, 5101 Gus Thomasson Road with the following stipulations: (1) that water and sewer would be extended to the building at this time; (2) that a temporary permit be issued for one year and (3) if the continued use is allowed, that the building would be placed on a foundation and bricked to meet the Building Code. Motion died for lack of a second.

Mr. Erwin moved to deny the request without prejudice. Motion was seconded by Mr. Gibbens. On call for vote on the

motion, the following votes were cast:

Ayes: Erwin, Gibbens, Nystrom

Nays: Smith, Goggans

Motion failed to carry.

Mr. McKinney then withdrew his request.

5. VARIANCE TO SIGN ORDINANCE REQUEST - J & L  
AUTO PARTS STORE, 4407 GUS THOMASSON - Tabled.

COUNCIL ACTION  
No. 342-79

No one was present to present the request for a variance to the Sign Ordinance to permit a roof sign to be located at the above.

Mr. Goggans moved to table considering the variance until the next City Council meeting. Motion was seconded by Mrs. Nystrom and approved unanimously.

6. RECOMMENDATIONS OF THE MESQUITE FIRE FIGHTERS  
ASSOCIATION GIVEN.

COUNCIL ACTION  
No. 343-79

Mr. Benny L. Simons, President of the Mesquite Fire Fighters Association presented the recommendations of the Association for the 1979-80 fiscal year. The 1979-80 goals were as follows: (1) salary increase; (2) hour cut; (3) retirement; (4) other insurance coverage and (5) minimum manning plan. The matter was taken under advisement by the City Council.

7. VARIANCE TO SCREENING REQUIREMENTS - ASSOCIATED  
OPTICAL COMPANY - APPROVED.

COUNCIL ACTION  
No. 344-79

Mr. Sylvan E. Ray, representative of Associated Optical Company, appeared before the City Council to request that his company be allowed to have a living hedge screen in lieu of the required masonry screening fence at the new building being constructed at the service road of Highway 80 and Samuell Boulevard.

After discussion, Mrs. Nystrom moved to allow the Associated Optical Company to have a living hedge screen in lieu of the required masonry screening fence at the new building being constructed at the service road of Highway 80 and Samuell Boulevard and to allow the existing trees along the north property line to serve as screening on that side of the property. Motion was seconded by Mr. Erwin and approved unanimously.

Mayor Smith left the meeting, whereupon Mayor Pro Tem Gibbens presided.

COUNCIL ACTION  
No. 345-79

8. ORDINANCE NO. 1532 PASSED REQUIRING PERMIT FOR ANY TYPE OF DUMPING WITHIN THE CITY.

Mr. Goggans moved to pass Ordinance No. 1532 AN ORDINANCE OF THE CITY OF MESQUITE PROHIBITING DUMPING IN THE CITY WITHOUT A PERMIT THEREFOR; PROVIDING FOR THE ISSUANCE OF A PERMIT FOR FILLING; PROVIDING CONDITIONS UPON WHICH A PERMIT MAY BE ISSUED; PROVIDING FOR A LIEN ON PROPERTY FILLED UNDER CERTAIN CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mrs. Nystrom and approved by all voting "aye." (Ordinance No. 1532 recorded on page 1 of Ordinance Book No. 31.)

COUNCIL ACTION  
No. 346-79

9. ORDINANCE NO. 1533 PASSED AMENDING ZONING ORDINANCE TO PERMIT CAR WASH OPERATION AS CONDITIONAL USE IN GENERAL RETAIL DISTRICT.

Mr. Goggans moved to pass Ordinance No. 1533 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, BY ADDING AUTOMOBILE CAR WASHES AS A CONDITIONAL USE TO THE GENERAL RETAIL DISTRICT, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mrs. Nystrom and approved by all voting "aye." (Ordinance No. 1533 recorded on page 5 of Ordinance Book No. 31.)

COUNCIL ACTION  
No. 347-79

10. ORDINANCE NO. 1534 PASSED PROHIBITING SEMI-TRUCK-TRAILERS FROM USING CITY STREETS FOR THE PURPOSE OF GOING TO A PARKING AREA.

Mr. Erwin moved to pass Ordinance No. 1534 AN ORDINANCE OF THE CITY OF MESQUITE AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY PROHIBITING THE OPERATION OF TRACTOR TRAILER COMBINATION (EIGHTEEN WHEELERS) ON CITY STREETS OTHER THAN OFFICIALLY DESIGNATED TRUCK ROUTES FOR THE PURPOSE OF PARKING SUCH VEHICLE; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mrs. Nystrom and approved by all voting "aye." (Ordinance No. 1534 recorded on page 7 of Ordinance Book No. 31.)

11. ORDINANCE NO. 1535 PASSED REQUIRING MINIMUM PARKING SPACES FOR DAY-CARE CENTERS PLUS DRIVEWAY WITH ADEQUATE INGRESS AND EGRESS THROUGH PROPERTY.

COUNCIL ACTION  
No. 348-79

Mr. Goggans moved to pass Ordinance No. 1535 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ARTICLE 61.07 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MESQUITE TO ESTABLISH REQUIREMENTS FOR PARKING SPACES AND MEANS OF INGRESS AND EGRESS TO AND FROM DAY NURSERIES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mrs. Nystrom and approved by all voting "aye." (Ordinance No. 1535 recorded on page 9 of Ordinance Book No. 31.)

12. ORDINANCE NO. 1536 PASSED - ZONING - APPLICATION NO. 1157-12, HOWARD TROUT.

COUNCIL ACTION  
No. 349-79

Mrs. Nystrom moved to pass Ordinance No. 1536 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM GENERAL RETAIL TO CONDITIONAL USE IN GENERAL RETAIL FOR A CAR WASH ON A .4-ACRE TRACT OF LAND LOCATED APPROXIMATELY 450 FEET WEST OF THE BELT LINE ROAD AND BARNES BRIDGE ROAD INTERSECTION, FRONTING THE NORTH SIDE OF BARNES BRIDGE ROAD APPROXIMATELY 110 FEET, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Erwin and approved by all voting "aye." (Ordinance No. 1536 recorded on page 11 of Ordinance Book No. 31.)

13. ORDINANCE NO. 1537 PASSED AMENDING ELECTRICAL CODE RE NON-METALLIC CABLES IN COMMERCIAL BUILDINGS.

COUNCIL ACTION  
No. 350-79

Mr. Goggans moved to pass Ordinance No. 1537 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 7-1 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, TO ALLOW THE INSTALLATION AND USE OF NON-METALLIC ELECTRICAL CABLE IN CERTAIN STRUCTURES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Erwin and approved by all voting "aye." (Ordinance No. 1537 recorded on page 15 of Ordinance Book No. 31.)

14. RESOLUTION NO. 34-79 ADOPTED RE MASS TRANSPORTATION ADMINISTRATION GRANT.

COUNCIL ACTION  
No. 351-79

Mr. Goggans moved to adopt Resolution No. 34-79 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING CITY MANAGER C.K. DUGGINS TO EXECUTE THE ATTACHED AGREEMENT PERTAINING TO THE MASS TRANSPORTATION ADMINISTRATION GRANT; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mrs. Nystrom and approved by all voting "aye." (Resolution No. 34-79 recorded on page 207 of Resolution Book No. 13.)

Mayor Smith returned to the meeting and presided.

COUNCIL ACTION  
No. 352-79

15. BID NO. 79-50 - FUEL CANOPY FOR SERVICE CENTER SERVICE STATION.

Mr. Gibbens moved to authorize the purchase of a fuel canopy for the Service Center Service Station from Dallas Pump Service in the amount of \$6,990, as shown on Bid Tabulation No. 79-50. Motion was seconded by Mr. Goggans and approved un-animously.

COUNCIL ACTION  
No. 353-79

16. FINAL PAYMENT TO MEL'S ELECTRIC UNDER CITY CONTRACT 79-04 - AUTHORIZED.

Mr. Goggans moved to accept the project and to authorize final payment to Mel's Electric in the amount of \$2,625 for City Lake Park ballfield lighting under City Contract 79-04. Motion was seconded by Mrs. Nystrom and approved unanimously.

COUNCIL ACTION  
No. 354-79

17. APPOINTMENT OF MEMBER AND ALTERNATE MEMBER TO NORTH EAST TEXAS LIBRARY SYSTEM.

Mr. Gibbens moved to reappoint Rose Marie Henry as a regular member and to appoint Linda Murdock as an alternate member to the North East Texas Library System for one-year terms beginning September 1, 1979, through August 31, 1980. Motion was seconded by Mr. Goggans and approved unanimously.

COUNCIL ACTION  
No. 355-79

18. RECEIPT OF RESIGNATION OF ALTHEA S. EDWARDS FROM PARKS AND RECREATION ADVISORY BOARD.

Mrs. Nystrom moved to receive the letter of resignation from Mrs. Althea S. Edwards as a member of the Parks and Recreation Advisory Board. Motion was seconded by Mr. Erwin and approved unanimously.

COUNCIL ACTION  
No. 356-79

19. 1979 TAX ROLL APPROVED.

Mr. Gibbens moved to approve the 1979 tax roll in the amount of \$824,495,580 in appraised values, as recommended by the Tax Board of Equalization. Motion was seconded by Mr. Goggans and approved unanimously.

COUNCIL ACTION  
No. 357-79

20. SEPTEMBER 3 CITY COUNCIL MEETING CANCELLED.



Mr. Erwin moved to cancel the September 3, 1979, City Council meeting due to a scheduled City holiday. Motion was seconded by Mrs. Nystrom and approved unanimously.

21. MAYOR AUTHORIZED TO EXECUTE CONTRACT WITH NORTH TEXAS COMMISSION FOR DEVELOPING AND IMPLEMENTING COMPREHENSIVE MARKETING PROGRAM FOR THIS REGION. COUNCIL ACTION No. 358-79

Mr. Gibbens moved to authorize the Mayor to execute a contract between the City and the North Texas Commission for developing and implementing a Comprehensive Marketing Program for the North Texas Region for a one-year period from June 1, 1979, through May 31, 1980. Motion was seconded by Mr. Goggans and approved unanimously.

22. MAYOR AUTHORIZED TO EXECUTE AGREEMENT WITH CITY OF DALLAS RE DALLAS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 7. COUNCIL ACTION No. 359-79

Mr. Goggans moved to authorize the Mayor to execute an agreement with the City of Dallas relating to the Dallas County Water Control and Improvement District No. 7. This agreement provides for the dissolution of this District pursuant to the provisions of Senate Bill #310. Motion was seconded by Mrs. Nystrom and approved unanimously.

23. MAYOR AUTHORIZED TO EXECUTE RENEWAL AGREEMENT WITH BERT DAVIS FOR ONE-YEAR PERIOD BEGINNING OCTOBER 1, 1979, THROUGH SEPTEMBER 30, 1980, FOR CONCESSIONS AT COMMUNITY CENTERS. COUNCIL ACTION No. 360-79

Mrs. Nystrom moved to authorize the Mayor to execute a renewal lease agreement with Bert Davis for a one-year period beginning October 1, 1979, through September 30, 1980, for the concession operations at Emitt Evans Community Center and Florence Park Community Center. Motion was seconded by Mr. Gibbens and approved unanimously.

24. RECEIPT OF MONTHLY FINANCIAL REPORT FOR MONTH OF JULY, 1979. COUNCIL ACTION No. 361-79

Mrs. Nystrom moved to receive the monthly financial report for the month of July, 1979. Motion was seconded by Mr. Goggans and approved unanimously.


25. OTHER ITEM. COUNCIL ACTION No. 362-79

Mr. R.L. Jones, who was not scheduled on the Agenda, appeared before the City Council to discuss equipment in the City-operated ambulances and asked the City Council to consider having a monitoring device in the ambulances as well as training

of firemen to be paramedics.

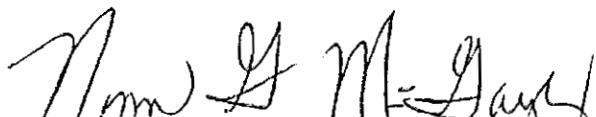
Mr. Jones also discussed the hiring of additional Police personnel.

Mrs. Nystrom moved to adjourn. Motion was seconded by Mr. Goggans and approved unanimously. Meeting was adjourned at 5:10 p.m.



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B.J. Smith  
Mayor



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Norma G. McGaughy  
City Secretary