

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT
2:00 P.M., JUNE 19, 1978, COUNCIL CHAMBER, MUNICIPAL BUILDING.

Present: Mayor B.J. Smith, Councilmen Len Gibbens, Joe Goggans, Bill Blackwood, Jim Lassiter, Vernie Erwin, Councilwoman Brunhilde Nystrom (3:00 p.m.); Assistant City Manager Larry R. Baldwin and City Secretary Norma G. McGaughy.

CITY COUNCIL-STAFF WORK SESSION.

ITEM E WAS TAKEN OUT OF ORDER.

E. DISCUSSION HELD RE SENIOR CITIZENS TRANSPORTATION PROGRAM.

COUNCIL ACTION
No. 212-78

Mr. Don Wendell, Superintendent of Recreation, reported to the City Council that the City is eligible to make application for a grant from the Urban Mass Transit Administration for funding of two 18-passenger buses for a Senior Citizens Transportation Program. These buses would be used to transport senior citizens to the City recreational facilities. The cost of the buses would be approximately \$60,000, with 80 percent to be paid by the Federal government, 13 percent by the State and 7 percent by the City. Mr. Wendell further stated that the City Council will need to adopt a resolution at a later date to submit the application.

It was the consensus of the City Council to proceed with the proposed application.

A. REQUEST FOR SEWER SERVICE ALONG STATE HIGHWAY 352 BETWEEN KEARNEY STREET AND THE RAILROAD - MRS. LOUISE LANGLEY.

COUNCIL ACTION
No. 213-78

Mr. Billy Thompson, Director of Community Development, told the City Council that a letter had been received from Mrs. Louise Langley requesting extension of sanitary sewer service to her residence located on State Highway 352 between Kearney Street and the Railroad. Mr. Thompson pointed out that at this time Mrs. Langley seemed to be the only resident desiring sewer service. He further stated that the application of the City's policy for the extension of sewer lines would allow the City to pay for the first 100 feet of the extension estimated at \$6.50 per foot and the owner of property requesting service would be required to pay the balance of the cost. In addition, the present policy calls for the payment of \$175 per acre as pro rata. It was pointed out that various project alternatives are available for consideration as to the length of the main extension, the number of properties served, and the sharing of cost.

It was the consensus of the City Council that the Staff bring back several alternatives and the costs thereof for consideration by the Council at the next City Council meeting.

ITEM C WAS TAKEN OUT OF ORDER.

C. JOINT MEETING WITH THE CITY PLANNING AND ZONING
COMMISSION APPROVED FOR JULY 11.

COUNCIL ACTION
No. 214-78

It was the consensus of the City Council that the Council and the City Planning and Zoning Commission have a joint meeting on July 11, 1978, at 7:00 p.m. to discuss mutual matters of concern.

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

Invocation was given by Bro. John McCullough, Jr.

APPROVAL OF MINUTES.

Mr. Goggans moved to approve the Minutes, as submitted, of the regular City Council meeting held May 15, 1978, and the Special City Council meeting held May 19, 1978. Motion was seconded by Mr. Gibbens and approved unanimously.

1. PUBLIC HEARING - ZONING - APPLICATION NO. 809-2,
CARL MCCALLUM - APPROVED.

COUNCIL ACTION
No. 215-78

A public hearing was held to consider Application No. 809-2 submitted by Carl McCallum for an amendment to the Zoning Ordinance for a Conditional Use in General Retail Zoning District for a Day-Care Center on part of Tract 1, Abstract 809. This 33,000 square-foot tract of land is located 217 feet east of the Palos Verdes Drive and Barnes Bridge Road intersection, fronting along the north side of Barnes Bridge Road approximately 165 feet. Mr. Carl McCallum presented the application and distributed copies of the proposed Site Plan. Mr. McCallum stated that the facilities would accommodate 200 children but that he is considering lowering the number of children to be accommodated.

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

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

2. PUBLIC HEARING - ZONING - APPLICATION NO. 1157-10,
KEN BRUDER AND NORMAN LUTERMAN - APPROVED.

COUNCIL ACTION
No. 216-78

A public hearing was held to consider Application No. 1157-10 submitted by Ken Bruder and Norman Luterman for an amendment to the Zoning Ordinance for a Conditional Use in

General Retail Zoning District for a Day-Care Center on part of Tract 16, Abstract 1157. This 21,328 square-foot tract is located approximately 745 feet west of the Belt Line Road and Barnes Bridge Road intersection, fronting approximately 325 feet on the northeast portion of Barnes Bridge Road. Mr. Ken Bruder presented the application stating that the center would accommodate 100 children.

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

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

3. PUBLIC HEARING - ZONING - APPLICATION NO. 34-17, COUNCIL ACTION
JACK THOMPSON, JR. - APPROVED. No. 217-78

A public hearing was held to consider Application No. 34-17 submitted by Jack Thompson, Jr., for an amendment to the Zoning Ordinance: (1) to permit self-service gasoline pumps, only, as a Conditional Use in a Commercial Zoning District and (2) to change the zoning from Service Station to Commercial with a Conditional Use for self-service gasoline pumps, only, on Tract 2, Abstract 34. This 1.121-acre tract of land is located on the southeast corner of the John West Road and Big Town/La Prada Drive intersection. Mr. Jim Thompson, representative of the applicant, presented the application.

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

Mr. Goggans moved to approve a zoning change to Planned Development - Commercial with provision for three self-service gasoline pumps, and to authorize preparation of an ordinance to this effect. Motion was seconded by Mr. Blackwood and approved unanimously.

4. PUBLIC HEARING - ZONING - APPLICATION NO. OT-33, COUNCIL ACTION
GEORGE PARSONS (ARROW TAXIDERMY COMPANY) - APPROVED. No. 218-78

A public hearing was held to consider Application No. OT-33 submitted by George Parsons (Arrow Taxidermy Company) for an amendment to the Zoning Ordinance for a Conditional Use in Central Business zoning for a taxidermy business on part of Lot 2, Block B-20, Original Town Addition. This property is located in building 416-B of the Mesquite Central Shopping Center generally bounded by Belt Line Road, South Galloway, Gross Street and Holley Street. Mr. George Parsons presented the application.

No others appeared for or against the proposed zoning

change. Mayor Smith declared the public hearing closed.

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

COUNCIL ACTION
No. 219-78

5. PUBLIC HEARING - ZONING - APPLICATION NO. 1392-5, DALLAS COUNTY COMMUNITY ACTION, INC., (HEAD START CHILD DEVELOPMENT) - APPROVED.

A public hearing was held to consider Application No. 1392-5 submitted by Dallas County Community Action, Inc., (Head Start Child Development) for an amendment to the Zoning Ordinance for a Conditional Use in A-1 Multifamily Zoning District for an Early Child Development Center on Tract 1, Abstract 1392. This 8.50-acre tract of land is located on the northeast corner of the McWhorter Drive and Hickory Tree Road intersection, fronting the east side of Hickory Tree Road approximately 320 feet and fronting the north side of McWhorter Drive approximately 950 feet. Ms. Wanda Smith, Director of Dallas Head Start Child Development Program, presented the application.

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

Mr. Lassiter moved to approve the application, and to authorize preparation of an ordinance to this effect, with the stipulation that the activities of the center be confined to the Activities Building. Motion was seconded by Mr. Erwin and approved unanimously.

COUNCIL ACTION
No. 220-78

6. PUBLIC HEARING - ZONING - APPLICATION NO. 163-2, ANDERSON BUILDERS, INC. - APPROVED.

A public hearing was held to consider Application No. 163-2 submitted by Anderson Builders, Inc., for an amendment to the Zoning Ordinance from R-1 Single Family Residential to Planned Development for Single Family Residential, with development standards as proposed by the applicant, on Tract 10, Abstract 163; Tract 1-A, Abstract 190; and Tract 2, Abstract 93. This property is located between Tosch Lane and Bruton Road and fronts on the east side of Belt Line Road approximately 1,100 feet. Mr. Buddy Roberts, representative of the applicant, presented the application and site plan. Mr. Roberts stated that there would be approximately 30 acres for an R-1 type Single Family Residential (or larger) development and 13 acres for park purposes. The lots would average 2.3 per acre. He also stated that the sites for the foundation slabs would be two feet above the 100-year flood elevation. Mayor Smith asked what they proposed concerning the ownership of the lots that

would cross the creek. Mr. Roberts stated that the lots extending through the creek would be maintained by private ownership. Mayor Smith also asked about the restrictions concerning fencing of those lots crossing the creek. Mr. Roberts stated that it could be deed restricted. Mr. Terry Anderson, developer, was also present. Mr. Anderson stated that it could be stipulated (by deed or other means) that the creek lots could not be fenced. Concern was also shown by the Council as to whether the flow of the water would be affected when the creek is straightened as proposed. The applicant did not feel that this would affect the velocity of the water flow.

Mrs. Nystrom entered the meeting at 3:00 p.m.

Mr. B.J. Anderson, associate developer, stated that it was his understanding that the City would work with the Bureau of Outdoor Recreation relative to the acquisition of the park property.

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

Mr. Goggans moved to approve the application and Site Plan, as submitted, and that the stipulations concerning the lots along the creek with regard to drainage and fencing be worked out at a later date. Motion was seconded by Mrs. Nystrom and approved unanimously.

7. VARIANCE TO SIGN ORDINANCE - SONIC DRIVE-IN/
MICHAEL BARTON - APPROVED. COUNCIL ACTION
No. 221-78

Mr. Michael Barton appeared before the City Council to request a variance to the Sign Ordinance to allow a 96 square-foot pole sign to be located at the Sonic Drive-In Restaurant on Motley Drive, north of Palm Drive.

Mr. Lassiter moved to grant the sign variance, as requested. Motion was seconded by Mr. Erwin and approved by the following vote:

Ayes: Lassiter, Erwin, Goggans, Gibbens, Blackwood,
Smith

Nays: Nystrom

Motion carried.

8. APPOINTMENT - MRS. MARY JANE PATTERSON, REPRESENTA-
TIVE OF MUNICIPAL LIBRARY ADVISORY BOARD.

Mrs. Mary Jane Patterson, representative of the

COUNCIL ACTION
No. 222-78

Municipal Library Advisory Board, appeared before the City Council to submit the recommendation of the Board that the City sell \$500,000 in Capital Improvement Bonds in the forthcoming bond sale for the purpose of initial development of the proposed library to be constructed in the northern section of Mesquite. She also extended an invitation to the City Council to be guests of the Board at a dinner meeting.

It was the consensus of the City Council to meet with the Municipal Library Advisory Board at 7:00 p.m. on July 17, 1978.

9. ORDINANCE NO. 1433 ADOPTED PROVIDING FOR A RATE INCREASE FOR ELECTRICAL SERVICE BY THE TEXAS POWER AND LIGHT COMPANY.
COUNCIL ACTION
No. 223-78

Mr. Jim Ragsdale, District Manager of Texas Power and Light Company, reviewed the Company's request for an increase in rates for electrical service. He stated that the Public Utilities Commission had arrived at a figure of \$41.2 million increase (approximately 7 percent). He requested that the City grant the amount authorized by the Commission.

The City Attorney reported on the action taken by other cities in this regard. He stated that Touche-Ross, the consultants for the cities that intervened in the rural rate hearing, had recommended \$35 million increase (5.4 percent). He further reported that Don Butler, Attorney for the intervening cities, advised that based on his contacts with spokesmen for such cities, it appeared that they were split about 50/50 between Touche-Ross and the Public Utilities Commission. Mr. Butler emphasized that most cities had not taken final action at that time and the figures were subject to change. Mr. Ragsdale stated that there are 255 cities involved and that 184 have approved the Commission's recommendation, 9 have taken action to approve the lower figure that is now being appealed by the Texas Power and Light Company, 62 cities have taken no final action. Mr. Archer stated that if no action is taken, the Texas Power and Light Company would put into effect the rates allowed by the Public Utilities Commission.

Mrs. Nystrom moved to accept the recommendation of the Public Utilities Commission, such rates to become effective June 26, 1978. Motion was seconded by Mr. Goggans. On call for vote on the motion, the following votes were cast:

Ayes: Nystrom, Goggans, Gibbens, Blackwood, Smith

—Nays: Lassiter, Erwin

Motion carried.

Mr. Goggans moved to adopt Ordinance No. 1433 AN ORDINANCE OF THE CITY OF MESQUITE, APPROVING RATE SCHEDULES TO BE CHARGED BY TEXAS POWER AND LIGHT COMPANY IN THE CITY OF MESQUITE, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, AND PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN. Motion was seconded by Mr. Blackwood. On call for vote on the motion, the following votes were cast:

Ayes: Nystrom, Goggans, Gibbens, Blackwood, Smith

Nays: Lassiter, Erwin

Motion carried.

(Ordinance No. 1433 recorded on page 67 of Ordinance Book No. 29.)

10. ORDINANCE NO. 1434 ADOPTED - ZONING - APPLICATION
NO. 972-4, JAMES MATLOCK. COUNCIL ACTION
No. 224-78

Mr. Gibbens moved to adopt Ordinance No. 1434 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 R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT FOR A DAY CARE CENTER ON A TRACT BEING LOCATED APPROXIMATELY 500 FEET NORTH OF THE BELT LINE ROAD AND BRUTON ROAD INTERSECTION, 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. Lassiter and approved by all voting "aye." (Ordinance No. 1434 recorded on page 69 of Ordinance Book No. 29.)

11. ORDINANCE NO. 1435 ADOPTED - ZONING - APPLICATION
NO. 809-2, CARL MCCALLUM. COUNCIL ACTION
No. 225-78

Mrs. Nystrom moved to adopt Ordinance No. 1435 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 ALLOW A CONDITIONAL USE IN GENERAL RETAIL ZONING FOR A DAY CARE CENTER ON A TRACT LOCATED 217 FEET EAST OF THE BARNES BRIDGE ROAD AND PALOS VERDES DRIVE INTERSECTION, 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. Blackwood and approved by all voting "aye." (Ordinance No. 1435 recorded on page 73 of Ordinance Book No. 29.)

COUNCIL ACTION
No. 226-78

12. ORDINANCE NO. 1436 ADOPTED - ZONING - APPLICATION NO. 1392-5, DALLAS COUNTY COMMUNITY ACTION, INC., (HEAD START CHILD DEVELOPMENT).

Mr. Blackwood moved to adopt Ordinance No. 1436 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 ALLOW A CONDITIONAL USE IN A-1 MULTI-FAMILY ZONING FOR A DAY-CARE CENTER ON A TRACT LOCATED ON THE NORTHEAST CORNER OF THE MCWHORTER DRIVE AND HICKORY TREE ROAD INTERSECTION IN THE HICKORY TREE TERRACE APARTMENTS ADDITION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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. Gibbens and approved by all voting "aye." (Ordinance No. 1436 recorded on page 77 of Ordinance Book No. 29.)

COUNCIL ACTION
No. 227-78

13. ORDINANCE NO. 1437 ADOPTED - ZONING - APPLICATION NO. OT-33, GEORGE PARSONS.

Mr. Lassiter moved to adopt Ordinance No. 1437 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 ALLOW A CONDITIONAL USE IN CENTRAL BUSINESS ZONING FOR A TAXIDERMY BUSINESS IN BUILDING 416-B OF THE MESQUITE CENTRAL SHOPPING CENTER AS PART OF LOT 2, BLOCK B-20, OF THE ORIGINAL TOWN ADDITION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL 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 Mr. Erwin and approved by all voting "aye." (Ordinance No. 1437 recorded on page 79 of Ordinance Book No. 29.)

14. ORDINANCE NO. 1438 ADOPTED RE POLICY FOR INSTALLATION OF WATER AND SEWER FACILITIES AND CHARGES FOR SERVICE CONNECTIONS TO PUBLIC MAINS.

COUNCIL ACTION
No. 228-78

Mr. Billy Thompson, Director of Community Development, reviewed the proposed ordinance establishing a revised policy for the installation of water and sanitary sewer facilities and establishing charges for service connections to the public mains. Mr. Thompson stated that a letter had been received from Mr. Gaylord Hall, President of the Mesquite Division of the Home and Apartment Builders Association, advising that the Association felt the proposed charges were reasonable and justified.

Mrs. Nystrom moved to adopt Ordinance No. 1438 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ARTICLE VI OF CHAPTER 18 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AND ENACTING A NEW ARTICLE VI THERETO; BY PROVIDING FOR A REVISED WATER AND SEWER POLICY; BY PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE; said ordinance to become effective July 15, 1978. Motion was seconded by Mr. Blackwood. On call for vote on the motion, the following votes were cast:

Ayes: Nystrom, Blackwood, Goggans, Lassiter,
Erwin, Smith

Nays: Gibbens

Motion carried.

(Ordinance No. 1438 recorded on page 83 of Ordinance Book No. 29.)

15. ORDINANCE NO. 1439 ADOPTED ESTABLISHING ONE-WAY TRAFFIC OPERATIONS ON I-30 SERVICE ROADS WITHIN THE CITY OF MESQUITE FROM NORTHWEST DRIVE EASTWARD TOWARD BELT LINE ROAD.

COUNCIL ACTION
No. 229-78

Mr. Goggans moved to adopt Ordinance No. 1439 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 10-11.1 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, TO ESTABLISH ONE-WAY TRAFFIC MOVEMENT ON THE NORTH AND SOUTH SERVICE ROADS OF INTERSTATE HIGHWAY 30, WITHIN THE CITY LIMITS OF THE CITY OF MESQUITE, BETWEEN NORTHWEST DRIVE AND BELT LINE ROAD; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND DECLARING AN EMERGENCY. Motion was

seconded by Mr. Lassiter and approved by all voting "aye."
(Ordinance No. 1439 recorded on page 93 of Ordinance Book No. 29.)

COUNCIL ACTION
No. 230-78

16. ORDINANCE NO. 1440 ADOPTED PROVIDING FOR CITY
FURNISHING AMBULANCE SERVICE TO ADJACENT UNIN-
CORPORATED AREAS FOR 1978.

Mr. Lassiter moved to adopt Ordinance No. 1440 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, WHEREBY THE CITY OF MESQUITE CONTRACTS WITH THE COUNTY OF DALLAS FOR THE CITY OF MESQUITE TO FURNISH FIRE-RESCUE (AMBULANCE) PROTECTION AND TO ANSWER FIRE-RESCUE CALLS IN THE UNINCORPORATED AREAS ADJOINING THE CORPORATE LIMITS OF THE CITY OF MESQUITE, AS SHOWN ON THE OFFICIAL FIRE PROTECTION ZONE MAP OF DALLAS COUNTY, AS EQUIPMENT AND PERSONNEL MAY BE AVAILABLE CONSIDERING THE NEEDS OF THE CITY OF MESQUITE, UPON THE TERMS AND CONDITIONS AND FOR THE CONSIDERATION SET FORTH IN THE ORDER OF THE COMMISSIONERS COURT OF DALLAS COUNTY, ATTACHED HERETO; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Gibbens and approved by all voting "aye." (Ordinance No. 1440 recorded on page 95 of Ordinance Book No. 29.)

COUNCIL ACTION
No. 231-78

17. ORDINANCE NO. 1441 ADOPTED PROVIDING FOR CITY
FURNISHING FIRE PROTECTION TO ADJACENT UNIN-
CORPORATED AREAS FOR 1978.

Mr. Goggans moved to adopt Ordinance No. 1441 AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, WHEREBY THE CITY OF MESQUITE CONTRACTS WITH THE COUNTY OF DALLAS FOR THE CITY OF MESQUITE TO FURNISH FIRE PROTECTION AND TO ANSWER ALL FIRE CALLS IN THE UNINCORPORATED AREAS ADJOINING THE CORPORATE LIMITS OF THE CITY OF MESQUITE, AS SHOWN ON THE OFFICIAL FIRE PROTECTION ZONE MAP OF DALLAS COUNTY, UPON THE TERMS AND CONDITIONS AND FOR THE CONSIDERATION SET FORTH IN THE ORDER OF COMMISSIONERS COURT OF DALLAS COUNTY, ATTACHED HERETO; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Erwin and approved by all voting "aye." (Ordinance No. 1441 recorded on page 97 of Ordinance Book No. 29.)

COUNCIL ACTION
No. 232-78

18. RESOLUTION NO. 17-78 ADOPTED CALLING PUBLIC
HEARING RE ASSESSMENT FOR IMPROVEMENT OF
WARREN STREET AND TWO ALLEYS.

Mrs. Nystrom moved to adopt a resolution calling a public hearing to be held July 17, 1978, to consider assessment for improvement of the following street and alleys: (1) Warren Street from Walker to Braden, (2) Alley between Red Mill and Royal Crest from Greenleaf to Upland and (3) Alley between Harvey and Scottsdale from Modlin to San Marcus. Motion was seconded by Mr. Lassiter and approved by all voting "aye." (Resolution No. 17-78 recorded on page 61 of Resolution Book No. 13.)

19. RESOLUTION NO. 18-78 ADOPTED AUTHORIZING APPLI-
CATION FOR STATE GRANT FOR ACQUISITION OF ANN
OATES JONES PROPERTY FOR PARK PURPOSES.

COUNCIL ACTION
No. 233-78

Mr. Goggans moved to adopt Resolution No. 18-78 A RESO-
LUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS,
DESIGNATING CERTAIN CITY OFFICIALS AS BEING RESPONSIBLE FOR
ACTING FOR AND ON BEHALF OF THE CITY OF MESQUITE IN DEALING
WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE PURPOSE
OF PARTICIPATING IN THE LAND AND WATER CONSERVATION FUND ACT
OF 1965, CERTIFYING THAT THE CITY OF MESQUITE IS ELIGIBLE TO
RECEIVE ASSISTANCE UNDER SUCH PROGRAM AND PROVIDING AN EFFEC-
TIVE DATE THEREOF. Motion was seconded by Mr. Gibbens and
approved by all voting "aye." (Resolution No. 18-78 recorded
on page 75 of Resolution Book No. 13.)

20. RESOLUTION EXPRESSING APPRECIATION TO COMMITTEE
MEMBERS FOR PROMOTION OF "MESQUITE NIGHT WITH
THE TEXAS RANGERS" - TABLED.

COUNCIL ACTION
No. 234-78

Mr. Goggans moved to postpone action on the proposed
resolution expressing appreciation to the Committee members
for promotion of "Mesquite Night with the Texas Rangers" until
the next City Council meeting. Motion was seconded by Mr.
Blackwood and approved by all voting "aye."

21. BID NO. 78-37 - WATER IMPROVEMENTS.

COUNCIL ACTION
No. 235-78

Mr. Gibbens moved to accept the low bid of Continental
Contractors, Inc., in the amount of \$55,163.50 for water im-
provements at the Carrousel Apartments, Sidney Drive and Sher-
wood Drive, and to authorize the Mayor to execute a contract
thereof. Motion was seconded by Mrs. Nystrom and approved
unanimously.

22. BID NO. 78-38 - PAVING IMPROVEMENTS - WESTLAKE PARK.

COUNCIL ACTION
No. 236-78

Mr. Goggans moved to accept the low bid of Bell Con-
struction Company in the amount of \$52,893.12 for paving im-
provements at Westlake Park, and to authorize the Mayor to
execute a contract thereof. Motion was seconded by Mrs.
Nystrom and approved unanimously.

23. BID NO. 78-41 - ANNUAL SUPPLY OF POLICE UNIFORMS.

COUNCIL ACTION
No. 237-78

Mr. Lassiter moved to accept the bid of J.B. Battle
Uniform Company in the amount of \$8,501.20 for annual supply
of Police uniforms. Motion was seconded by Mr. Blackwood and
approved unanimously.

24. BID NO. 78-42 - CITY DEPOSITORY.

COUNCIL ACTION
No. 238-78

Mr. Jim Prugel, Director of Finance, told the City Council that invitations to bid were sent to the three banks in Mesquite and that only one bid was received, that of Southwest Bank for the City depository for the period August 1, 1978, through July 31, 1980. The bid of Southwest Bank was based on two separate options: (1) an interest rate on Certificates of Deposit equal to 95 percent of the "ask" T bill rate, without a repurchase agreement for weekend investments, (2) Interest rate on Certificates of Deposit on 90 percent of the "ask" T bill rate with a repurchase agreement for weekend investments. Mr. Prugel recommended awarding the bid on the 90 percent with the repurchase agreement. Since only one bid was received, the City Attorney was asked if the City could receive bids from other banks outside the City. The City Attorney stated that research would be required prior to giving an opinion.

Mrs. Nystrom moved to table the matter pending an opinion from the City Attorney; and if legally permissible, to contact other banks in this regard. Motion was seconded by Mr. Gibbens and approved unanimously.

25. MAYOR AUTHORIZED TO EXECUTE CITY-COUNTY CONSTRUCTION AGREEMENT WITH DALLAS COUNTY - GALLOWAY EXTENSION TO I-30.
COUNCIL ACTION No. 239-78

Mr. Lassiter moved to authorize the Mayor to execute a City-County construction agreement with Dallas County providing for the Galloway extension to I-30. Motion was seconded by Mr. Goggans and approved unanimously.

26. MAYOR AUTHORIZED TO EXECUTE AGREEMENT WITH NORTH TEXAS COMMISSION RE COMPREHENSIVE MARKETING PROGRAM FROM JUNE 1, 1978, THROUGH MAY 31, 1979.
COUNCIL ACTION No. 240-78

Mr. Larry Baldwin, Assistant City Manager, told the City Council that the City's portion of the funding for implementing a Comprehensive Marketing Program from June 1, 1978, through May 31, 1979, by the North Texas Commission is \$7,249. This would be a renewal of the existing contract. Mr. Baldwin stated that this amount has been included in the current budget of the Chamber of Commerce with funds provided from the Hotel/Motel Tax.

Mr. Gibbens moved to authorize the Mayor to execute a renewal agreement with the North Texas Commission for implementing a Comprehensive Marketing Program for the period June 1, 1978, through May 31, 1979. Motion was seconded by Mrs. Nystrom and approved unanimously.

27. RECEIPT OF RESIGNATION OF BOB REECE AS A MEMBER OF THE MESQUITE HOSPITAL AUTHORITY.
COUNCIL ACTION No. 241-78

Mrs. Nystrom moved to receive the resignation of Mr. Bob Reece as a member of the Mesquite Hospital Authority. Motion was seconded by Mr. Gibbens and approved unanimously.

28. RECEIPT OF MONTHLY FINANCIAL REPORT FOR MONTH OF MAY, 1978.

COUNCIL ACTION
No. 242-78

Mr. Lassiter moved to receive the monthly financial report for the month of May, 1978. Motion was seconded by Mrs. Nystrom and approved unanimously.

CONTINUATION OF CITY COUNCIL-STAFF WORK SESSION.

D. DISCUSSION HELD RE CLAIM OF DR. GERALD SWAYZE AS RELATED TO ASSESSMENT AGAINST HIS PROPERTY FOR DRAINAGE IMPROVEMENTS.

COUNCIL ACTION
No. 243-78

Mr. Larry Baldwin reported to the City Council that a request had been received from Dr. Gerald Swayze that the City reimburse him \$467.94, the amount of a Mechanic's Lien placed on his property by a material man for materials purchased by Frank Riker who was associated with Martin Bros., the contractor for the improvement of the drainage channel adjacent to Dr. Swayze's property. Mr. Baldwin stated that it was not definite whether the items on which the Mechanic's Lien applied was used in the improvement project. Dr. Swayze felt that the City should pay this amount since the contract was paid in full, and no amount was retained by the City on final payment, and also due to the fact that he paid the full amount of his assessment. The City Attorney advised that the only way the City would be obligated would be that it could be considered a possible moral problem. He stated that the City could not have withheld this amount from the final payment.

Mrs. Nystrom moved that since there is an area of doubt, that the City agree to split the cost of the assessment with Dr. Swayze. Motion was seconded by Mr. Blackwood and approved by the following vote:

Ayes: Gibbens, Goggans, Blackwood, Lassiter,
Erwin, Nystrom

Nays: None

Mayor Smith abstained from participating and voting because of conflicting interests.

Motion carried.

It was the consensus of the City Council that if Dr. Swayze agrees to accept this offer that an agreement be executed by Dr. Swayze that this is in full settlement of the claim.

ITEM B WAS TAKEN OUT OF ORDER.

C. UNCIL ACTION B.
No. 244-78

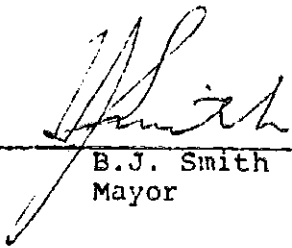
DISCUSSION HELD RE OIL SALVAGE BUSINESS AT U.S.
HIGHWAY 80 AND RAYBURN STREET.

Mr. Billy Thompson reported that the operator, Bill Tuttle, of an oil salvage business at U.S. Highway 80 and Rayburn Street had not complied with the five stipulations as set out by the City Council on January 16, 1978. Mr. Thompson stated that it was called to the attention of Mr. Tuttle that the stipulations had not been met within the 30-day period, as required and a specific schedule for the accomplishment of the required work was requested. No response had been received to date. Mr. Thompson further stated that no Certificate of Occupancy has been issued and it is considered that this operation is in violation of the Zoning Ordinance.

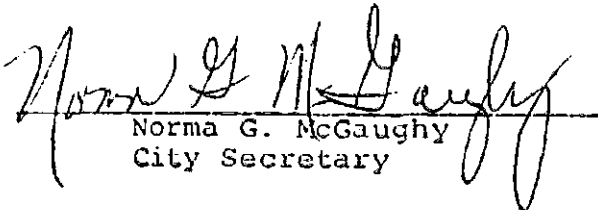
The City Attorney explained that if the applicant is restricted from operating the oil salvage business, the tank located on this property would still be allowed to remain.

Mr. Lassiter moved that the City issue a Cease Order to stop operation immediately. Motion was seconded by Mr. Erwin and approved unanimously.

Mr. Erwin moved to adjourn. Motion was seconded by Mr. Lassiter and approved unanimously. Meeting was adjourned at 6:30 p.m.



B.J. Smith
Mayor



Norma G. McGaughy
City Secretary