

MINUTES OF WORK SESSION AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M., MARCH 3, 2003, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor Mike Anderson, Councilmembers John Heiman, David Paschall, John Monaco, Steve Alexander, Shirley Roberts and Carole Lochhead; City Manager Ted Barron and City Secretary Judy Womack.

PRE-MEETING - CITY COUNCIL CONFERENCE ROOM - 11:30 A.M.

The City Council met in the City Council Conference Room beginning at 11:30 a.m. to discuss the items on the Work and Regular Agenda and discuss: (1) Airport Hangar Development Update and (2) procedure for update of the Mesquite Development Guide/Preparation of Mesquite Comprehensive Plan.

It was the consensus of the City Council to revise the Mesquite Development Guide Update utilizing the "Staff Preparation of Recommendations" approach as recommended by staff.

WORK SESSION – CITY COUNCIL CHAMBER – 1:33 P.M.

A. MONTHLY FINANCIAL REPORT FOR JANUARY 2003 - RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for the month of January 2003.

B. PROPOSED REVISIONS TO THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL – DISCUSSED.

George Mones, Director of Human Resources, presented proposed revisions to the General Government Policies and Procedures Manual and stated that the Policy Review Task Force and Personnel Board recommend approval of the revisions.

Mr. Mones stated that an ordinance will be prepared for consideration at the March 17, 2003, City Council meeting approving revisions to the General Government Policies and Procedures Manual.

C. POSSIBLE ANIMAL SHELTER SITES – DISCUSSED.

Steve Killen, Manager of Health, presented an overview of possible Animal Shelter sites and stated that from a list of 19 potential sites, staff identified six as the most viable sites for an Animal Shelter and Adoption Center.

It was the consensus of the City Council to have staff prepare additional information regarding the three City-owned sites identified as the most favorable for further consideration.

The Work Session recessed at 1:45 p.m.

REGULAR CITY COUNCIL MEETING - 3:05 P.M.

Invocation was given by Rex Walker, Pastor, Family Cathedral of Praise, Mesquite, Texas.

The Pledge of Allegiance was led by Tabitha Sherwood, Austin Woods, Mia Reeves and Chris Hudgeons, fifth grade students from B. J. Smith Elementary School.

SPECIAL ANNOUNCEMENT.

Mayor Anderson presented Art Greenhaw with a proclamation recognizing his recent Grammy Award for Best Southern, Country or Bluegrass Gospel Album at the 45th Annual Grammy Awards Ceremony and proclaiming March 3, 2003, as Art Greenhaw and the Art Greenhaw Records Company Day in Mesquite.

SPECIAL RECOGNITION.

1. **STUDENT GOVERNMENT DAY PARTICIPANTS FROM NORTH MESQUITE HIGH SCHOOL.**

Mayor Anderson recognized the Student City Council, City Manager and City Secretary from North Mesquite High School who will be participating in Student Government Day activities on March 14, 2003.

PRESENTATION OF PLAQUES.

2. **PRESENTATION OF A PLAQUE TO RETIRED EMPLOYEE JAMES ARDIS.**

Mayor Anderson presented a plaque to Fire Captain James Ardis in appreciation of his 30 years of service from February 1973 to February 2003.

3. **PRESENTATION OF A PLAQUE TO NADINE WARD IN RECOGNITION OF HER SERVICE AS A MEMBER OF THE PLANNING AND ZONING COMMISSION.**

Mayor Anderson presented a plaque to Nadine Ward in recognition of her service as a member of the Planning and Zoning Commission from September 1999 to February 2003.

APPOINTMENT FOR PERSONAL APPEARANCE.

4. APPOINTMENT – BILL CAMPBELL, PRESIDENT, MESQUITE QUALITY OF LIFE CORPORATION.

Bill Campbell, President, Mesquite Quality of Life Corporation, presented the 2001-02 annual report for the Mesquite Quality of Life Corporation.

CONSENT AGENDA.

Item Nos. 12 and 21B were removed from the Consent Agenda to be considered separately. Mr. Monaco moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Lochhead and approved unanimously.

5. MINUTES OF REGULAR CITY COUNCIL MEETING HELD FEBRUARY 17, 2003.
6. ORDINANCE NO. 3559 – AMENDING SECTION 9-10 OF THE CITY CODE TEMPORARILY DESIGNATING MCWHORTER DRIVE AS A ONE-WAY STREET.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-10 OF THE CODE OF THE CITY OF MESQUITE BY TEMPORARILY DESIGNATING A PORTION OF MCWHORTER DRIVE AS A ONE-WAY STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3559 recorded on page of Ordinance Book No. 75.)

7. ORDINANCE NO. 3560 – RATIFYING AND ADOPTING THE BOUNDARY ADJUSTMENT AGREEMENT WITH THE CITIES OF DALLAS AND GARLAND.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RATIFYING AND ADOPTING AN AGREEMENT BETWEEN THE CITIES OF MESQUITE, DALLAS AND GARLAND; ADJUSTING THEIR COMMON BOUNDARY LINES; RELEASING CERTAIN PARCELS OF LAND TO THE CITIES OF DALLAS AND GARLAND; RECEIVING CERTAIN PARCELS OF LAND PRESENTLY SITUATED WITHIN THE CITY LIMITS OF THE CITIES OF DALLAS AND GARLAND INTO THE CITY LIMITS OF THE CITY OF MESQUITE; PROVIDING A SERVICE PLAN FOR THE NEWLY ACQUIRED TERRITORY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. (Ordinance No. 3560 recorded on page of Ordinance Book No. 75.)

8. ORDINANCE NO. 3561 – ZONING – APPLICATION NO. 1462-236
SUBMITTED BY TOWN EAST FORD.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM R-2 TO COMMERCIAL ON TRACT 1; TO APPROVE THREE CONDITIONAL USE PERMITS ON FOUR TRACTS OF LAND ON PROPERTY ZONED COMMERCIAL THEREBY ALLOWING OUTDOOR SALES OF NEW AND USED VEHICLES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (The vote on this ordinance affirms that the ordinance was prepared as directed by the City Council at the public hearing on January 21, 2003, and does not indicate whether an individual councilmember was in favor or opposed to the request submitted by Town East Ford as File No. 1462-236. Ordinance No. 3561 recorded on page of Ordinance Book No. 75.)

9. RESOLUTION NO. 07-2003 – AUTHORIZING THE MAYOR TO
EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION
SERVICES CONTRACT IN CONNECTION WITH THE ANNUAL
CITY ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ELECTIONS DEPARTMENT. (Resolution No. 07-2003 recorded on page of Resolution Book No. 32.)

10. RESOLUTION NO. 08-2003 – ESTABLISHING PRECINCTS AND
THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY
ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 08-2003 recorded on page of Resolution Book No. 32.)

11. RESOLUTION NO. 09-2003 – SUPERCEDING RESOLUTION NOS.
15-90 AND 03-96 AMENDING THE ORGANIZATIONAL
STRUCTURE AND RULES OF PROCEDURE FOR THE CAPITAL
IMPROVEMENTS ADVISORY COMMITTEE.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPERCEDING RESOLUTION NOS. 15-90 AND 03-96 THEREBY AMENDING THE ORGANIZATIONAL STRUCTURE AND RULES OF PROCEDURE FOR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE TO ESTABLISH THE TERMS OF THEIR MEMBERS. (Resolution No. 09-2003 recorded on page of Resolution Book No. 32.)

13. BID NO. 2003-065 – ANNUAL SUPPLY - SMALL TOOLS – AWARDED TO BIG D TOOL CENTER; UNITED RENTALS, INC.; EVS SUPPLY; EAGLE HOME SERVICES; W. W. GRAINGER, INC.; HOME DEPOT SUPPLY; TEXAS CONTRACTORS SUPPLY, LP; ALABAMA CONSTRUCTION SUPPLY; SCREW PRODUCTS INTERNATIONAL; FLEET BUYING GROUP; PHILLIPS LUMBER COMPANY, INC.; UTILICOR; AND ACE LOCK & SECURITY SUPPLY IN THE TOTAL AMOUNT OF \$32,008.66.
14. BID NO. 2003-066 – SELF-CONTAINED BREATHING APPARATUS VOICE AMPLIFIER – AWARDED TO THE LOW BIDDER, FOUR ALARM FIRE EQUIPMENT, IN THE AMOUNT OF \$27,000.00.
15. CITY MANAGER AUTHORIZED TO EXECUTE AN ENGINEERING SERVICES CONTRACT WITH PBS&J TO PROVIDE PLAN REVIEW AND CONSTRUCTION INSPECTION FOR ALL DEVELOPMENTS WITHIN THE CITY’S EXTRATERRITORIAL JURISDICTION LOCATED IN KAUFMAN COUNTY.
16. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH ONCOR FOR RELOCATION OF FACILITIES ALONG CARTWRIGHT ROAD FROM EDWARDS CHURCH ROAD TO LAWSON ROAD IN CONJUNCTION WITH THE CARTWRIGHT ROAD RECONSTRUCTION PROJECT, PHASE 3, IN THE AMOUNT OF \$60,664.60.
17. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH THE CITY OF DALLAS FOR BIOMEDICAL ONLINE MEDICAL SUPERVISION IN THE AMOUNT OF \$48,001.50.
18. CITY MANAGER AUTHORIZED TO EXECUTE AN AGREEMENT WITH CIGNA DENTAL HEALTH OF TEXAS, INC., APPROVING PREMIUM RENEWALS FOR THE DENTAL HMO AND PPO PLANS, EFFECTIVE JANUARY 1, 2003.
19. APPROVE PLAN DESIGN CHANGES TO THE PPO AND HMO MEDICAL PLANS ADMINISTERED BY CIGNA HEALTHCARE, INC., EFFECTIVE JANUARY 1, 2003.

20. CITY MANAGER AUTHORIZED TO EXECUTE A SUPPLEMENT TO AN AGREEMENT WITH CIGNA HEALTHCARE, INC., ADDING ADMINISTRATIVE SERVICES FOR A SELF-FUNDED HMO MEDICAL PLAN, EFFECTIVE JANUARY 1, 2003.
21. MAYOR AUTHORIZED TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF UNIVERSITY PARK TO PROVIDE COMPOSTING SERVICES IN ACCORDANCE WITH ORDINANCE NO. 3135.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.

12. BID NO. 2003-049 – JANITORIAL SERVICES FOR VARIOUS CITY FACILITIES – POSTPONED.

Mr. Alexander moved to postpone consideration of Bid No. 2003-049, Janitorial Services for Various City Facilities. Motion was seconded by Mr. Monaco and approved unanimously.

21. B. CITY MANAGER AUTHORIZED TO EXECUTE A CHANGE ORDER WITH HARRIS CORPORATION FOR CITY CONTRACT NO. 2002-093, PUBLIC SAFETY COMMUNICATIONS MICROWAVE SYSTEM REPLACEMENT, IN THE AMOUNT OF \$55,193.00 - APPROVED.

Fire Chief Jim Stark explained that the proposed change order in the amount of \$55,193.00 will allow the purchase and installation of a dual-mode (analog/digital) interface between the Public Safety Radio System which is being updated to a dual-mode capability and the new Communications Microwave System. This will provide state-of-the-art digital technology as the new systems are installed.

Mr. Monaco moved to approve a change order with Harris Corporation for City Contract No. 2002-093, Public Safety Communications Microwave System Replacement, in the amount of \$55,193.00. Motion was seconded by Ms. Roberts and approved unanimously.

END OF CONSENT AGENDA.

SITE PLAN AND PUBLIC HEARINGS.

22. REVISED PLANNED DEVELOPMENT SITE PLAN SUBMITTED BY DOWDEY, ANDERSON AND ASSOCIATES, INC., FOR THE HILLS OF TEALWOOD LOCATED SOUTHEAST OF THE TEALWOOD AND VALLEY CREEK, PHASE III SUBDIVISIONS - APPROVED.

A revised Planned Development Site Plan submitted by Dowdey, Anderson and Associates, Inc., for The Hills of Tealwood located southeast of the Tealwood and Valley Creek, Phase III subdivisions was considered.

Bret Pedigo, Centex Homes, requested a 20-foot front yard setback on approximately 100 of the 550 residential lots within The Hills of Tealwood subdivision. The revised setback will allow the developer to offer a larger variety of elevations by providing deeper building pads on the affected lots.

Mr. Heiman moved to approve the Revised Planned Development Site Plan for The Hills of Tealwood, as recommended by the Planning and Zoning Commission, with the following stipulations. A minimum 20-foot front yard setback shall be allowed on the following lots: Phase 1: Block A, Lots 1-9; Block B, Lots 1-11; Block D, Lots 1 and 2; Block E, Lots 6-19; Block F, Lot 38; Block H, Lots 16-29; Block M, Lots 1, 6, 9-14; Block N, Lots 1-13; and Phase 2: Block F, Lot 84, Block I, Lot 38; Block P, Lots 35, 36 and 45; Block R, Lot 11; Block S, Lots 10-22, 30 and 31, Exterior Side Yard Lot 8; Block T, Lots 13 and 14; Block U, Lot 1; Block W, Lots 1-6. All other site plan stipulations approved at the August 20, 2001, City Council meeting shall apply. Motion was seconded by Mr. Alexander and approved unanimously.

23. FURTHER CONSIDERATION – ALTERNATE SCREENING METHOD FOR CIRCLE CREEK DAY CARE LOCATED AT 2544 CLAY-MATHIS ROAD - APPROVED.

A public hearing was held on February 17, 2003, to consider an alternate screening method for Circle Creek Day Care located at 2544 Clay-Mathis Road. Since the applicant was not present at the February 17, 2003, City Council meeting, consideration of the request was postponed until the March 3, 2003, City Council meeting.

The applicant was not present to discuss the requested alternate screening method.

Mr. Paschall moved to approve an alternate screening method for Circle Creek Day Care to allow the continued use of an existing six-foot chain link fence for a period not to exceed 12 months after completion of the Clay-Mathis Road Improvements provided that, should any other development occur on this site or the adjoining site that would require the construction of a screening wall, the deferment shall be terminated. Motion was seconded by Mr. Monaco and approved unanimously.

24. PUBLIC HEARING – ZONING – APPLICATION NO. TEC9-4 SUBMITTED BY ROBERT DAY – APPROVED.

A public hearing was held to consider Application No. TEC9-4 submitted by Robert Day for a Conditional Use Permit for outdoor sales and display for a motorcycle dealership in a Commercial District on Lot 1, Block X, Town East

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Commercial No. 9 Addition. This property is further described as a 7.89-acre tract located on the northeast corner of the Fair Green Drive and U. S. Highway 67 frontage road intersection.

Robert Day, representing Action Suzuki, stated that the Conditional Use Permit will allow the outdoor sales and display of Suzuki motorcycles in conjunction with the construction of a new building across the street from the applicant's existing dealership and will include a showroom and expanded parking.

Mr. Day stated that hours of operation will probably be the same as the current hours of operation; however, he was not definite and he was not aware of restrictions placed on the existing dealership regarding test-driving motorcycles in the adjacent residential neighborhood.

No one appeared regarding the proposed zoning change. Mayor Anderson declared the public hearing closed.

Some Councilmembers express concern regarding test-driving motorcycles in the adjacent residential neighborhood and the uncertainty regarding hours of operation and suggested that these concerns be addressed.

Mr. Heiman moved to approve the Conditional Use Permit for Application No. TEC9-4, as recommended by the Planning and Zoning Commission, limiting outdoor display to the areas shown on the concept plan and further, to authorize preparation of an ordinance to this effect. Motion was seconded by Mr. Alexander. On call for a vote on the motion, the following votes were cast:

Ayes: Heiman, Alexander, Anderson, Lochhead

Nays: Monaco, Paschall, Roberts

Motion carried.

25. PUBLIC HEARING – ZONING – APPLICATION NO. 705-6 SUBMITTED BY DAVID RODRIGUEZ – APPROVED.

A public hearing was held to consider Application No. 705-6 submitted by David Rodriguez for a zoning change from General Retail to Commercial on Tract 3, Abstract 705. This property is further described as a 2.7-acre tract located at 4811 Motley Drive.

Applicant David Rodriguez stated that approval of the proposed zoning change will allow him to relocate his plumbing business currently located at IH 635 and La Prada Drive to larger facilities at a site on Motley Drive and added that he has a fleet of seven trucks. Mr. Rodriguez stated that two sides of the property provide masonry screening walls. The third side has an existing chain link fence and slats will be added to provide screening. He confirmed that storage on the site will not be visible above the fence line.

No one appeared regarding the proposed zoning change. Mayor Anderson declared the public hearing closed.

Mr. Monaco moved to approve Application No. 705-6, as recommended by the Planning and Zoning Commission and further, to authorize preparation of an ordinance to this effect. Motion was seconded by Mr. Alexander and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

26. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE PLANNING AND ZONING COMMISSION FOR A TERM TO EXPIRE MARCH 3, 2005.

Mr. Heiman moved to appoint Jane Ann Cruce as an alternate member of the Planning and Zoning Commission for a term to expire March 3, 2005. Motion was seconded by Mr. Alexander and approved unanimously.

27. APPOINTMENT OF ONE MEMBER TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM TO EXPIRE SEPTEMBER 30, 2004.

Ms. Lochhead moved to appoint Troy Hale as a member of the Capital Improvements Advisory Committee for a term to expire September 30, 2004. Motion was seconded by Mr. Heiman and approved unanimously.

SPECIAL RECOGNITION.

Mayor Anderson recognized a Cub Scout in Troop 421 who is working on his communications merit badge.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 4:07 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider purchase, lease or value of real property (leasing Samuell Farms property from City of Dallas). After the closed meeting ended at 4:40 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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Mr. Monaco moved to adjourn the meeting. Motion was seconded by Mr. Paschall and approved unanimously. The meeting adjourned at 4:42 p.m.

Judy Womack
City Secretary

Mike Anderson
Mayor