

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,  
DECEMBER 1, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Shirley Roberts, Stan Pickett, Dennis Tarpley, Greg Noschese and Al Forsythe, City Manager Ted Barron and Assistant City Secretary Sonja Land.

**PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – NOON.**

The City Council met in the City Council Conference Room beginning at noon to discuss the items on the Regular Agenda and discuss: (1) City Council district boundaries and (2) sale or lease of property located at 1505 Edwards Church Road.

(1) It was Council consensus to direct staff to place an item on a future agenda to allow formal action to be taken regarding adopting new City Council district boundaries.

(2) It was Council consensus to reconsider the sale of the property located at 1505 Edwards Church Road and not pursue leasing the facility.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:40 P.M.**

The City Council met in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Prospect seeking to locate at U.S. Highway 80 and Gus Thomasson Road); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 12:54 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:55 P.M.**

The City Council met in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Creation of a Tax Increment Finance Reinvestment Zone for a residential development near Cartwright Road and Lawson Road and Creation of a Tax Increment Reinvestment Zone for the Lucas Farms project); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:37 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:47 P.M.**

The City Council met in Executive Session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions and other city employees (Filling the vacancy in the City Secretary position); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:00 P.M.**

Invocation was given by Kyle Kelly, Associate Pastor, Sunnyvale First Baptist Church.

The Pledge of Allegiance was led by Remya Nair, Leeann Joseph, Christian Garcia and Jacob Miller, fourth grade students from Pirrung Elementary School.

**SPECIAL ANNOUNCEMENTS.**

(1) Councilmember Shirley Roberts announced that Tuesday, December 2, at 6:00 p.m. is the official Christmas tree-lighting ceremony on the square in Old Town Mesquite.

(2) Ms. Roberts announced that the annual Christmas in the Park will be held Thursday through Saturday, December 4-6, at Westlake Park from 6:00 p.m. to 9:00 p.m.

**CITIZENS FORUM.**

Ann Yates, 1300 Douglas Drive, requested an update on a previous request she made to the City Council to consider providing discounts to senior citizens for municipal services such as water and solid waste. She expressed concerns that impact her neighborhood including Section 8 housing, solid waste violations and noise.

**CONSENT AGENDA.**

Mr. Pickett moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Tarpley and approved unanimously.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 17, 2008.

2. RESOLUTION NO. 53-2008 – AUTHORIZING THE ISSUANCE OF NOTICE OF INTENTION TO ESTABLISH A TAX INCREMENT FINANCE (TIF) REINVESTMENT ZONE FOR THE LUCAS FARMS PROJECT AND CALLING A PUBLIC HEARING TO BE HELD DECEMBER 15, 2008.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF NOTICE OF INTENTION TO ESTABLISH A TAX INCREMENT FINANCE REINVESTMENT ZONE; AND SETTING A PUBLIC HEARING DATE TO CONSIDER ADOPTION OF A REINVESTMENT ZONE FOR THE LUCAS FARMS PROJECT PURSUANT TO THE TAX INCREMENT FINANCING ACT, CHAPTER 311 OF THE TAX CODE. (Resolution No. 53-2008 recorded on page        of Resolution Book No. 42.)

3. RESOLUTION NO. 54-2008 – CALLING A PUBLIC HEARING TO BE HELD DECEMBER 15, 2008, REGARDING AMENDMENTS TO THE 2004 AMENDED AND RESTATED PROJECT AND FINANCING PLAN FOR THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING A PUBLIC HEARING REGARDING THE AMENDMENTS TO THE 2004 AMENDED AND RESTATED PROJECT AND FINANCING PLAN FOR TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS. (Resolution No. 54-2008 recorded on page        of Resolution Book No. 42.)

4. BID NO. 2009-009 – ANNUAL CONTRACT FOR CONCRETE CRUSHING CONTRACTOR – ALL BIDS REJECTED AND REBID AT A LATER DATE.
5. BID NO. 2009-032 – FIVE ½-TON PICKUPS – AWARDED TO CALDWELL COUNTRY CHEVROLET IN CALDWELL, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$99,570.85.
6. BID NO. 2009-057 – ANNUAL SUPPLY OF ASPHALTIC MATERIALS (FOR ADDITIONAL ROAD MATERIALS) – AWARDED TO TXI OPERATIONS, LP, IN THE AMOUNT OF \$30,000.00; CRAFTCO TEXAS, INC., IN THE AMOUNT OF \$12,000.00 AND PROFESSIONAL COATING TECHNOLOGIES, INC., IN THE AMOUNT OF \$20,000.00, THROUGH AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH DALLAS COUNTY, IN A TOTAL AMOUNT NOT TO EXCEED \$62,000.00.

7. BID NO. 2009-060 – VOICE RECORDING SYSTEM FOR MESQUITE POLICE FACILITY – AWARDED TO VOICE PRINT INTERNATIONAL, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$42,715.00.
8. AUTHORIZED WYLIE HEATH TO OPERATE DALLAS AIRBORNE FLIGHT SCHOOL AT THE MESQUITE METRO AIRPORT.
9. AUTHORIZED RENEWAL OF THE EMPLOYEE MEDICAL PLAN REINSURANCE (STOP LOSS) POLICY WITH ING IN AN AMOUNT NOT TO EXCEED \$307,290.90 FOR FISCAL YEAR 2008-09 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

**END OF CONSENT AGENDA.**

**PUBLIC HEARINGS.**

10. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH CAMELOT SPORTS AND ENTERTAINMENT, LLC, TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH PROPERTY LOCATED WITHIN THE RODEO CITY TAX INCREMENT FINANCE REINVESTMENT ZONE NO. ONE – POSTPONED UNTIL THE DECEMBER 15, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider a program with Camelot Sports and Entertainment, LLC, to promote economic development and stimulate business and commercial activity in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One.

Mr. Pickett moved to postpone a public hearing to consider a program with Camelot Sports and Entertainment, LLC, to promote economic development and stimulate business and commercial activity in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One until the December 15, 2008, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

- B. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH CAMELOT SPORTS AND ENTERTAINMENT LLC, TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN CONJUNCTION WITH PROPERTY LOCATED WITHIN THE RODEO CITY TAX

INCREMENT FINANCE REINVESTMENT ZONE NO. ONE –  
POSTPONED UNTIL THE DECEMBER 15, 2008, CITY COUNCIL  
MEETING.

Mr. Pickett moved to postpone consideration of a resolution approving the terms and conditions of a program with Camelot Sports and Entertainment LLC, to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One until the December 15, 2008, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

11. PUBLIC HEARING – APPLICATION NO. 483-7 SUBMITTED BY DR. JOEL D. HOLLIDAY AND ORDINANCE NO. 4007 FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT – MULTI-FAMILY WITH SPECIAL EXCEPTION FOR MEDICAL FACILITIES TO PLANNED DEVELOPMENT – GENERAL RETAIL WITH CERTAIN STIPULATIONS AT 3737 NORTH TOWN EAST BOULEVARD – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 483-7 submitted by Dr. Joel D. Holliday for a zoning change from Planned Development – Multi-Family with special exception for medical facilities to Planned Development – General Retail with certain stipulations in Town East Estates, Block 1, Lot 11B. This property is located at 3737 North Town East Boulevard. This item was postponed at the November 3, 2008, City Council meeting.

Bryan Hull, representing Clay Company, stated that the Planning and Zoning Commission approved a zoning change to Office on this property. However, the proposed buyer has requested a specific use for the property so the case was returned to the Planning and Zoning Commission to request a zoning change to Planned Development – General Retail.

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

Mr. Noschese moved to approve Application No. 483-7 with stipulations recommended by the Planning and Zoning Commission as follows:

1. The site shall be developed consistent with the Concept Plan in Exhibit “A” of the ordinance. However, where the Concept Plan and the text of the Planned Development Ordinance are in conflict, the text shall rule.
2. Permitted uses:

Retail:	54	Food Stores
	56	Apparel, Accessory Store
	57	Furniture, Home Furnishings

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|------------|-------|--|-----------------------|
|            | 58    | Eating, Drinking Places                                |                       |
|            | 594   | Miscellaneous Shopping Goods Stores                    |                       |
|            | 5992  | Florist  |                       |
|            | 5995  | Optical Goods Store                                    |                       |
| Finance    | 60-67 | Depository Institutions, Security                      | Except 60a            |
| Insurance, |       | & Commodity Services, Insurance                        | Alternative Financial |
| Real       |       | Carriers, Agents, Brokers, Real                        | Institutions and      |
| Estate     |       | Estates, Holding Companies                             | 61 Non-depository     |
|            |       |  | Institutions          |
| Services   | 722   | Photographic, Portrait Studios                         |                       |
|            | 7291  | Tax Preparation Services                               |                       |
|            | 7299  | Tanning Salon only                                     |                       |
|            | 7344  | Photocopying Duplicating Services                      |                       |
|            | 80    | Health Services  |                       |
|            | 81    | Legal Services   |                       |
|            | 82    | Educational Services                                   |                       |
|            | 83    | Social Services  |                       |
|            | 87    | Engineering, Accounting, Research, Management Services |                       |
3. A minimum of 15 percent of the site shall be landscaped. Landscaping shall be consistent with Exhibit "A" of the ordinance.
  4. Any fencing in the Planned Development shall be made of wrought iron, masonry materials or a combination of the two. Any masonry used shall be consistent in color with the primary color of the front building façade except the solid waste enclosure shall comply with Section 10.6 of the Community Appearance Manual.
  5. Secondary façades as defined by the Community Appearance Manual shall meet the façade material requirements for primary façades.
  6. Outdoor storage and display shall be prohibited.

And to approve Ordinance No. 4007, AN ORDINANCE 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 PLANNED DEVELOPMENT – MULTI-FAMILY WITH SPECIAL EXCEPTION FOR MEDICAL FACILITIES TO PLANNED DEVELOPMENT – GENERAL RETAIL SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Ordinance No. 4007 recorded on page of Ordinance Book No. 92.)

12. PUBLIC HEARING – APPLICATION NO. 944-1 SUBMITTED BY TOMMY MANN AND KIRK WILLIAMS, WINSTEAD PC, FOR A ZONING CHANGE FROM R-1 SINGLE FAMILY TO AGRICULTURAL ON TRACT 1 AND FROM AGRICULTURAL TO MIXED USE ON TRACT II LOCATED AT THE NORTHWEST CORNER OF GREENBELT PARKWAY AND IH 30 – POSTPONED UNTIL THE DECEMBER 15, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held for Application No. 944-1 submitted by Tommy Mann and Kirk Williams, Winstead PC, for a zoning change from R-1 Single Family to Agricultural on Tract 1 and from Agricultural to Mixed Use on Tract II in the E. T. Myers Survey, Abstract 944. This property is further described as a 12.79-acre tract located at the northwest corner of Greenbelt Parkway and IH 30.

Ms. Roberts moved to postpone consideration of Application No. 944-1 until the December 15, 2008, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS.**

13. APPOINTMENT OF FIVE MEMBERS TO THE MESQUITE HOUSING BOARD FOR TERMS TO EXPIRE DECEMBER 3, 2009.

Mr. Pickett moved to reappoint Tammy Hintz, Betty Leonardo, Randy Murray, Robert Murdock and Charles Bryant to the Mesquite Housing Board for terms to expire December 3, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

Mr. Noschese moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 3:14 p.m.

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Sonja Land  
Assistant City Secretary

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John Monaco  
Mayor