

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 1:00 P.M.,
DECEMBER 6, 2010, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor Pro Tem Bill Porter and Councilmembers Dennis Tarpley, Al Forsythe, Stan Pickett, Shirley Roberts and Brian Hutcheson, City Manager Ted Barron and City Secretary Sonja Land.

Absent: Mayor John Monaco

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 1:00 P.M.

The City Council met in the City Council Conference Room beginning at 1:00 p.m. to discuss the items on the Regular Agenda and receive briefing regarding: (1) Communications five-year strategic plan, (2) University of Texas at Arlington project examining public participation in target neighborhoods and (3) Municipal Setting Designation (MSD) for property located at 4414 Gus Thomasson Road.

(3) Council directed staff to place this particular MSD request on a future City Council agenda for consideration and action.

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

Invocation was given by David Jernigan, Minister, Living Waters Ministry, Mesquite, Texas.

The Pledge of Allegiance was led by Recreation After School Program participants from Thompson Gym.

PRESENTATION OF PLAQUE.

1. PRESENTATION OF A PLAQUE TO LINDA ROSE IN RECOGNITION OF HER SERVICE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD/TREE BOARD.

Mayor Pro Tem Porter presented a plaque to Linda Rose in recognition of her service as a member of the Parks and Recreation Advisory Board/Tree Board from June 2004 through October 2010.

CONSENT AGENDA.

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

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 15, 2010.

3. ORDINANCE NO. 4120 – AMENDING CHAPTERS 5 AND 7 OF THE CITY CODE PERTAINING TO APPEALS FROM THE CODE OFFICIAL IN THE APPLICATION AND INTERPRETATION OF THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 5 AND 7 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 5-27(1)(G), SECTION 5-187(2)(C), SECTION 5-468(1)(M), SECTION 7-2 AND SECTION 7-3(1)(C) IN THEIR ENTIRETY AND ADDING A NEW SECTION 5-27(1)(G), SECTION 5-187(2)(C), SECTION 5-317(1)(B), SECTION 5-466(1)(C), SECTION 5-468(1)(M), SECTION 7-2 AND SECTION 7-3(1)(C) ALL PERTAINING TO APPEALS FROM THE CODE OFFICIAL IN THE APPLICATION AND INTERPRETATION OF THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE; 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 EFFECTIVE DATE. (Ordinance No. 4120 recorded on page of Ordinance Book No. 95.)

4. ORDINANCE NO. 4121 – AMENDING THE COMMUNITY APPEARANCE MANUAL PERTAINING TO THE APPLICABILITY OF DESIGN REQUIREMENTS FOR EXISTING BUILDINGS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMMUNITY APPEARANCE MANUAL PERTAINING TO THE APPLICABILITY OF DESIGN REQUIREMENTS FOR EXISTING BUILDINGS; 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 EFFECTIVE DATE. (Ordinance No. 4121 recorded on page of Ordinance Book No. 95.)

5. RESOLUTION NO. 44-2010 – AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AMENDING THE TAX SAVER PLAN NECESSARY TO COMPLY WITH THE PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND OTHER REVISIONS AS ARE NECESSARY AND APPROPRIATE AND NOTIFYING ELIGIBLE EMPLOYEES OF THE AMENDMENT, EFFECTIVE JANUARY 1, 2011.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS AMENDING THE TAX SAVER PLAN NECESSARY TO COMPLY WITH THE PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND OTHER REVISIONS AS ARE NECESSARY AND APPROPRIATE; AND NOTIFYING ELIGIBLE EMPLOYEES OF THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Resolution No. 44-2010 recorded on page of Resolution Book No. 44.)

6. RESOLUTION NO. 45-2010 – ENDORSING THE SELECTIVE TRAFFIC ENFORCEMENT PROJECT – IMPAIRED DRIVING MOBILIZATION GRANT FOR DRIVING WHILE INTOXICATED ENFORCEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION PARTICIPATING IN THE AMOUNT OF \$9,192.16 TO BE SUPPLEMENTED BY CITY FUNDS IN THE AMOUNT OF \$3,084.11 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING THE IMPAIRED DRIVING MOBILIZATION GRANT FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THIS PROJECT. (Resolution No. 45-2010 recorded on page of Resolution Book No. 44.)

7. RESOLUTION NO. 46-2010 – AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR MUTUAL AID WITH OTHER PARTICIPATING LOCAL GOVERNMENTS OF THE STATE OF TEXAS FOR THE PURPOSE OF PROVIDING FIRE PROTECTION SERVICES IN THE EVENT OF AN EMERGENCY, DISASTER AND/OR CIVIL DISASTER.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT FOR MUTUAL AID BY AND BETWEEN THE CITY OF MESQUITE AND OTHER PARTICIPATING LOCAL GOVERNMENTS OF THE STATE OF TEXAS FOR THE PURPOSE OF PROVIDING FIRE PROTECTION SERVICES IN THE EVENT OF AN EMERGENCY, DISASTER AND/OR CIVIL DISASTER AS PROVIDED IN THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Resolution No. 46-2010 recorded on page of Resolution Book No. 44.)

8. BID NO. 2011-006 – ANNUAL SUPPLY OF POLICE OFFICER UNIFORMS – AWARDED TO LOW BIDDER GST PUBLIC SAFETY SUPPLY IN THE AMOUNT OF \$83,361.70.
9. BID NO. 2011-008 – ANNUAL SUPPLY OF AMMUNITION – AWARDED TO PRECISION DELTA CORPORATION IN THE AMOUNT OF \$57,913.20 AND GRACE AMMO, LLC, IN THE AMOUNT OF \$16,500.00 FOR PRACTICE AND DUTY AMMUNITION; AND TO TACNOLOGIES, LTD., IN THE AMOUNT OF \$5,350.00 FOR SIMUNITION PRODUCTS FOR A TOTAL AMOUNT OF \$79,763.20.
10. BID NO. 2011-018 – WATER MAIN REPLACEMENT PARTS FOR FISCAL YEAR 2010-11 – AWARDED TO LOW BIDDER MORRISON SUPPLY IN THE AMOUNT OF \$94,749.31.
11. BID NO. 2011-025 – OATES DRIVE BRIDGE REPAIRS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER TEXAS STANDARD CONSTRUCTION, LTD., IN THE AMOUNT OF \$190,352.00.

12. BID NO. 2011-047 – ANNUAL TELEPHONE SERVICE – LOCAL AND LONG DISTANCE – AWARDED TO AT&T THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES TEX-AN 2000 CONTRACT FOR LOCAL SERVICES AND TO DIR-TELECOMMUNICATION SERVICES DIVISION THROUGH TEXAS DEPARTMENT OF INFORMATION RESOURCES TEX-AN 2000-SWB-LS CONTRACT FOR LONG DISTANCE SERVICES IN THE TOTAL AMOUNT OF \$286,690.04.
13. BID NO. 2011-049 – PURCHASE OF REGENERATIVE AIR STREET SWEEPER – AWARDED TO TYMCO, INC., IN WACO, TEXAS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$119,040.00.
14. BID NO. 2011-055 – PURCHASE OF 2011 FORD F-350 6.7L DIESEL CHASSIS AMBULANCE REMOUNT – AWARDED TO LOW BIDDER FRAZER, LTD., IN HOUSTON, TEXAS, FROM FREEWAY FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$82,925.00.
15. CITY MANAGER AUTHORIZED TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH DAVID C. BALDWIN, INC., FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE MESQUITE HIKE AND BIKE TRAIL, PHASE 1, IN THE AMOUNT OF \$355,407.00.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

16. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2010-2A AND ORDINANCE NO. 4122 AMENDING SECTIONS 2-100, 4-100 AND 4-1500 OF THE MESQUITE ZONING ORDINANCE AMENDING THE NAME OF THE TRADITIONAL NEIGHBORHOOD MULTIFAMILY DISTRICT TO THE TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL DISTRICT – APPROVED.

A public hearing was held to consider Zoning Text Amendment No. 2010-2A amending Sections 2-100, 4-100 and 4-1500 of the Mesquite Zoning Ordinance amending the name of the Traditional Neighborhood Multifamily District to the Traditional Neighborhood Mixed Residential District.

Richard Gertson, Director of Community Development, stated that the proposed amendment would change the name of the Traditional Neighborhood Multifamily District to the Traditional Neighborhood Mixed Residential District which more accurately conveys the City Council's intent of the zoning for future development in the City.

No one appeared regarding the proposed amendment. Mayor Pro Tem Porter declared the public hearing closed.

Ms. Roberts moved to approve Zoning Text Amendment No. 2010-2A, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4122, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 2-100, 4-100 AND 4-1500 THEREBY AMENDING THE NAME OF THE TRADITIONAL NEIGHBORHOOD MULTIFAMILY (TNMF) DISTRICT TO THE TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL (TNMR) DISTRICT; PROVIDING 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 EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Forsythe and approved by all voting "Aye." (Ordinance No. 4122 recorded on page _____ of Ordinance Book No. 95.)

17. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-268-2010 FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT – TOWNHOME AND LIGHT COMMERCIAL TO TRADITIONAL NEIGHBORHOOD MULTIFAMILY ON TWO UNDEVELOPED TRACTS COMPRISING 31.973 ACRES LOCATED AT 1500 GROSS ROAD – POSTPONED UNTIL THE JANUARY 3, 2011, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 1462-268-2010 for a zoning change from Planned Development – Townhome and Light Commercial to Traditional Neighborhood Multifamily. This property is further described as two undeveloped tracts comprising 31.973 acres located at 1500 Gross Road. This item was postponed at the November 15, 2010, City Council meeting.

Mr. Pickett moved to postpone consideration of Application No. 1462-268-2010 for a zoning change from Planned Development – Townhome and Light Commercial to Traditional Neighborhood Multifamily until the January 3, 2011, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

18. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-269-2010 FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT – DUPLEX TO TRADITIONAL NEIGHBORHOOD MULTIFAMILY ON AN UNDEVELOPED 3.4-ACRE TRACT LOCATED AT 2500 BAKER DRIVE – POSTPONED UNTIL THE JANUARY 3, 2011, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 1462-269-2010 for a zoning change from Planned Development – Duplex to Traditional Neighborhood Multifamily. This property is further described as an undeveloped 3.4-acre tract located at 2500 Baker Drive. This item was postponed at the November 15, 2010, City Council meeting.

Mr. Tarpley moved to postpone consideration of Application No. 1462-269-2010 for a zoning change from Planned Development – Duplex to Traditional Neighborhood Multifamily until the January 3, 2011, City Council meeting. Motion was seconded by Mr. Pickett and approved unanimously.

19. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-270-2010 FOR A ZONING CHANGE FROM A1-APARTMENTS AND C-COMMERCIAL TO TRADITIONAL NEIGHBORHOOD MULTIFAMILY ON TWO UNDEVELOPED TRACTS COMPRISING 9.5 ACRES LOCATED IN THE 2900 AND 3000 BLOCKS OF EAST US HIGHWAY 80 – POSTPONED UNTIL THE JANUARY 3, 2011, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 1462-270-2010 for a zoning change from A1-Apartments and C-Commercial to Traditional Neighborhood Multifamily. This property is further described as two undeveloped tracts comprising 9.5 acres located in the 2900 and 3000 blocks of East US Highway 80. This item was postponed at the November 15, 2010, City Council meeting.

Mr. Pickett moved to postpone consideration of Application No. 1462-270-2010 for a zoning change from A1-Apartments and C-Commercial to Traditional Neighborhood Multifamily until the January 3, 2011, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

20. PUBLIC HEARING – ZONING – APPLICATION NO. 810-23A-2010 FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT – MULTIFAMILY TO TRADITIONAL NEIGHBORHOOD MULTIFAMILY ON AN UNDEVELOPED 2.97-ACRE TRACT LOCATED AT 600 MATADOR LANE – POSTPONED UNTIL THE JANUARY 3, 2011, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 810-23A-2010 for a zoning change from Planned Development – Multifamily to Traditional Neighborhood Multifamily. This property is further described as an undeveloped 2.97-acre tract located at 600 Matador Lane. This item was postponed at the November 15, 2010, City Council meeting.

Mr. Pickett moved to postpone consideration of Application No. 810-23A-2010 for a zoning change from Planned Development – Multifamily to Traditional Neighborhood Multifamily until the January 3, 2011, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

21. APPOINTMENT OF FIVE MEMBERS TO THE MESQUITE HOUSING BOARD FOR TERMS TO EXPIRE DECEMBER 3, 2011.

Mr. Pickett moved to reappoint Charles Bryant, Betty Leonardo, Randy Murray and Ginny Stuit and to appoint David Gustof as members of the Mesquite Housing Board for terms to expire December 3, 2011. Motion was seconded by Ms. Roberts and approved unanimously.

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22. APPOINTMENT OF TWO REGULAR MEMBERS TO THE MUNICIPAL LIBRARY ADVISORY BOARD FOR TERMS TO EXPIRE DECEMBER 4, 2012.

Ms. Roberts moved to reappoint Patricia Stone and to appoint Thomas Brown as regular members of the Municipal Library Advisory Board for terms to expire December 4, 2012. Motion was seconded by Mr. Forsythe and approved unanimously.

23. APPOINTMENT OF TWO MEMBERS TO THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2013.

Mr. Pickett moved to reappoint Suanne Toupal and Connie Theller as members of the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2013. Motion was seconded by Ms. Roberts and approved unanimously.

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

Sonja Land
City Secretary

Bill Porter
Mayor Pro Tem