

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, OCTOBER 20, 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 City Secretary Judy Womack.

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 Work and Regular Agenda and discuss: (1) options for home improvement incentive programs and (2) grant award from HUD's Neighborhood Stabilization Program.

WORK SESSION – CITY COUNCIL CHAMBER – 1:15 P.M.

A. **POLICY FRAMEWORK FOR THE UNIFIED DEVELOPMENT CODE - DISCUSSED.**

Richard Gertson, Director of Community Development, stated that the Unified Development Code is an important element of Project Renewal. He introduced Elizabeth Garvin, Clarion Associates, and Kevin Klinkenberg, 180 Degree Design Studio. Ms. Garvin stated that the project consists of creating a Unified Development Ordinance which will include zoning and subdivision regulations that are more illustrative, graphic and form-based. The focus will be on more regulations regarding buildings and less regulations regarding uses.

Ms. Garvin reviewed the Framework Memorandum which describes six themes that reflect issues with the existing regulations which need to be changed or corrected in order to move Mesquite into a new regulatory approach. The six themes include: (1) Establish a sense of place in Mesquite – create a new urban form for Mesquite, focus on multimodal development and walkability, switch from emphasis on use to emphasis on structure, design transitions between development patterns and incorporate plazas and places for public and private use; (2) Create a standards-based regulatory process – balance predictability and flexibility, articulate clear review and approval criteria/avoid ad hoc decision-making for individual projects and allow opportunities for alternative design; (3) Understand the impacts of overzoning commercial and industrial districts – changing to mixed-use development and reviewing the zoning map; (4) Clarify subdivision standards and infrastructure criteria – update the subdivision approval process, incorporate all applicable design standards and fill-in gaps for any missing standards and update any outdated standards; (5) Raise the bar for basic site design – establish or update requirements for landscaping, lighting, parking, site layout, access management and connectivity and incorporate basic illustrations and graphics; and (6) Specifically incorporate legal requirements where necessary – determine vested rights requirements for various applications and address “rough proportionality” requirements for dedications.

Mr. Klinkenberg stated that a multiple-day public design charrette was held in Mesquite to investigate how form-based zoning could be folded-in to the updated ordinance as an alternative zoning category for both new and existing development. The design charrette envisioned the use of a new form-based zoning classification called the Traditional Neighborhood Design (TND) District

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which establishes and encourages innovative mixed-use development. The TND District is intended to be used for the creation of developments that: (1) Create a dynamic, mixed-use environment, where walking is the predominate mode of transportation; (2) Provide for a range of housing choices in close proximity to each other, including vertical mixed-use; (3) Create land development solutions that are not typically found elsewhere in the city; (4) Produce quality public spaces that are usable for a variety of public and semi-public activities; (5) Ensure higher standards of design and construction of building, public infrastructure and landscaping; (6) Guarantee a high degree of connectivity for pedestrian and vehicular traffic; (7) Locate buildings close to the street, so that streets and squares are defined as “outdoor rooms”; (8) Utilize all the streets for on-street parking; (9) Expedite the development process; and (10) Provide numerous, narrow, slow-speed streets to ensure the safety of pedestrians and bicyclists. Three areas were used as test sites for the district: a site north of the rodeo, the Big Town site and a greenfield site along IH-20. Potential designs and illustrations were produced to display how each site could develop by using the TND District.

Councilmembers expressed support for the Unified Development Code and requested that developers (those currently working in Mesquite and those who are not) be involved in the planning process. Councilmembers also expressed concern regarding introducing a new development concept to an aging population in Mesquite which will require an educational process in order for the concept to be embraced.

The Work Session ended at 2:08 p.m.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 2:13 P.M.

Mayor Monaco announced that the City Council would meet 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 in the Rodeo City Tax Increment Finance Reinvestment Zone No. One); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:51 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:15 P.M.

Invocation was given by Mike Pettit, Pastor, North Mesquite Assembly of God, Mesquite, Texas.

The Pledge of Allegiance was led by Recreation After School Program participants from Dunford Recreation Center.

SPECIAL ANNOUNCEMENTS.

(1) Ms. Roberts announced that October is Breast Cancer Awareness Month and encouraged citizens to contribute to the campaign.

(2) Mr. Pickett announced that the week of October 20-24, 2008, is Mesquite's annual Red Ribbon Week with this year's theme, "Choose to be Drug Free."

(3) City employee Vince Saroni, Civil Engineer with the Engineering Division, presented a United States flag to the Mayor and City Council that flew over the American Embassy in Baghdad, Iraq, on April 27, 2008. Mr. Saroni served as Deputy Commander for the Gulf Region Division with the Army Corps of Engineers in Baghdad from January 2008 thru September 2008. He expressed appreciation to the City, particularly the City Manager's office, Human Resources staff and the Public Works Department for their support during his deployment.

(4) Terri Shatter, Area Manager with Oncor Electric Delivery, presented information regarding Oncor's Take A Load Off, Texas program which was designed to demonstrate to consumers methods to become more energy efficient and environmentally friendly. She invited everyone to visit the traveling exhibit that will be set up at the Mesquite Home Depot on November 1 with hands-on demonstrations illustrating the importance of being more energy efficient. The display will also include children's educational exhibits.

CONSENT AGENDA.

Item Nos. 6 and 7 were removed from the Consent Agenda to be considered separately. Mr. Pickett moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 6, 2008.
2. ORDINANCE NO. 3998 – ADOPTING SUPPLEMENT NO. 36 TO THE CODE OF ORDINANCES FOR THE CITY OF MESQUITE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING SUPPLEMENT NUMBER 36 (ORDINANCES FEBRUARY 2008 TO JULY 2008) TO "THE CODE OF THE CITY OF MESQUITE"; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE FOR EACH OFFENSE AND VIOLATION OF SAID SUPPLEMENT TO THE SAID CODE; AND DECLARING AN EMERGENCY. (Ordinance No. 3998 recorded on page of Ordinance Book No. 92.)

3. ORDINANCE NO. 3999 – DETERMINING THAT NO REVISIONS TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NECESSARY FOR THE 2008 UPDATE OF THE IMPACT FEE PROGRAM.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT NO CHANGES TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NEEDED FOR THE 2008 UPDATE OF THE IMPACT FEE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 3999 recorded on page of Ordinance Book No. 92.)

4. RESOLUTION NO. 46-2008 – DENYING ONCOR ELECTRIC DELIVERY COMPANY’S RATE INCREASE REQUEST.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, FINDING THAT ONCOR ELECTRIC COMPANY’S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. (Resolution No. 46-2008 recorded on page of Resolution Book No. 41.)

5. RESOLUTION NO. 47-2008 – AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH DALLAS COUNTY FOR PURCHASE OF GOODS AND SERVICES.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY TO ESTABLISH A COOPERATIVE PURCHASING PROGRAM BETWEEN THE TWO ENTITIES. (Resolution No. 47-2008 recorded on page of Resolution Book No. 41.)

8. BID NO. 2008-092 – ANNUAL FACILITY MAINTENANCE, TIME AND MATERIALS REPAIR AND REMODELING CONTRACT – CITY MANAGER AUTHORIZED TO APPROVE EXPENDITURES AND EXECUTE ALL NECESSARY DOCUMENTS IN CONJUNCTION WITH SERVICES PROVIDED BY LOW BIDDERS CONCORD COMMERCIAL SERVICES, INC.; BERGER ENGINEERING COMPANY; DECKER MECHANICAL; AND PHILLIPS LAWN SPRINKLER COMPANY FOR INDIVIDUAL CONTRACTS NOT TO EXCEED \$50,000.00.
9. BID NO. 2009-002 – ANNUAL CONTRACT FOR INTERNET AUCTIONING SERVICES – AWARDED TO RENE’ BATES AUCTIONEERS, INC., THROUGH AN INTERLOCAL AGREEMENT WITH THE CITY OF PLANO FOR A COMMISSION OF 7.5 PERCENT OF GROSS SALES.
10. RFQ NO. 2009-013 – CONSTRUCTION MANAGER-AT-RISK FOR CITY HALL/ MUNICIPAL COURT PROJECT – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LEE LEWIS CONSTRUCTION, INC., IN THE AMOUNT OF \$1,028,700.00.
11. BID NO. 2009-036 – PURCHASE OF ONE 1,500 GPM REPLACEMENT PUMPER TRUCK – AWARDED TO CRIMSON FIRE, REPRESENTED BY METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$482,578.00.

12. BID NO. 2009-037 – ANNUAL SUPPLY OF PERSONAL COMPUTERS – AWARDED TO DELL, INC., FOR PERSONAL COMPUTERS AND MONITORS; SHI-GOVERNMENT SOLUTIONS FOR SOFTWARE AND SOFTWARE LICENSES AND WORKHORSE COMPUTERS FOR UNINTERRUPTIBLE POWER SUPPLIES, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, IN THE TOTAL AMOUNT OF \$154,341.87.
13. BID NO. 2009-042 – STATIC PIPE BURSTING SYSTEM – AWARDED TO EARTH TOOL COMPANY, LLC IN OCONOMOWOC, WISCONSIN, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$179,118.74.
14. CITY MANAGER AUTHORIZED TO EXECUTE THE NECESSARY DOCUMENTS REGARDING THE PURCHASE OF A 6,273-SQUARE-FOOT TRACT LOCATED AT 324 WEST KEARNEY STREET IN THE AMOUNT OF \$18,818.00.
15. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 2 TO CITY CONTRACT NO. 2008-074, ANNUAL PURCHASE OF RECYCLING BINS, WITH OTTO ENVIRONMENTAL SYSTEMS FOR THE PURCHASE OF ADDITIONAL RECYCLING BINS IN THE AMOUNT OF \$10,000.00.
16. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CEI010-2008, ANNUAL SUPPLY OF THREE-, FOUR- AND SIX-INCH COMPOUND WATER METERS - \$884.50; CEI003-2007, ANNUAL CONTRACT FOR EMPLOYEE SERVICE AND RETIREMENT AWARDS – \$362.85 AND CE27-7820, FEMA LOMR PROCESSING – US 80 AT NORTH MESQUITE CREEK - \$300.00.)

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.

6. RESOLUTION NO. 48-2008 – AUTHORIZING EXECUTION OF THE FIRST ADDENDUM TO CONTRACT OF SALE WITH LANG AND COMPANY, L.L.C., FOR THE PEACHTREE TOWNE CENTER PROJECT – APPROVED SUBJECT TO STIPULATIONS.

Mr. Nochese moved to approve Resolution No. 48-2008 subject to the bonding company's approval of the First Addendum to Contract of Sale, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CONTRACT OF SALE WITH LANG AND COMPANY, L.L.C., RELATING TO THE PEACHTREE TOWNE CENTER PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST ADDENDUM TO CONTRACT OF SALE WITH LANG AND COMPANY, L.L.C., FOR SUCH PURPOSES. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Resolution No. 48-2008 recorded on page of Resolution Book No. 41.)

7. CONSIDER A RESOLUTION ADOPTING THE MESQUITE IH-30 CORRIDOR REDEVELOPMENT PLAN AS THE STRATEGY FOR DEVELOPMENT AND REVITALIZATION OF THE BIG TOWN AND IH-30 MIXED USE GATEWAYS AND THE OVERALL PLANNING FRAMEWORK FOR THE CITY – POSTPONED UNTIL THE NOVEMBER 17, 2008, CITY COUNCIL MEETING.

Mr. Noschese moved to postpone consideration of a resolution adopting the Mesquite IH-30 Corridor Redevelopment Plan as the strategy for development and revitalization of the Big Town and IH-30 Mixed Use Gateways until the November 17, 2008, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

END OF CONSENT AGENDA.

PUBLIC HEARING.

17. A. PUBLIC HEARING – CONSIDER A MUNICIPAL SETTING DESIGNATION FOR THE LINEAGE POWER FACILITY LOCATED AT 3000 SKYLINE DRIVE – TABLED INDEFINITELY.

A public hearing was scheduled to be held to consider a Municipal Setting Designation for the Lineage Power Facility located at 3000 Skyline Drive. The public hearing was not held.

- B. CONSIDER AN ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY GENERALLY LOCATED AT 3000 SKYLINE DRIVE AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY – TABLED INDEFINITELY.

Mr. Pickett moved to table indefinitely consideration of an ordinance prohibiting the use of designated groundwater from beneath certain property generally located at 3000 Skyline Drive and supporting certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality. Motion was seconded by Mr. Tarpley and approved unanimously.

OTHER BUSINESS.

18. CANCELLED THE REGULAR CITY COUNCIL MEETING SCHEDULED TO BE HELD JANUARY 19, 2009, DUE TO THE MARTIN LUTHER KING, JR., DAY HOLIDAY AND RESCHEDULED THE REGULAR CITY COUNCIL MEETING FOR TUESDAY, JANUARY 20, 2009.

Mr. Tarpley moved to cancel the regular City Council meeting scheduled to be held January 19, 2009, due to the Martin Luther King, Jr., Day, holiday and to reschedule the regular City Council meeting for Tuesday, January 20, 2009. Motion was seconded by Mr. Pickett and approved unanimously.

RECEIPT OF RESIGNATIONS AND APPOINTMENTS TO BOARDS AND COMMISSIONS.

19. RESIGNATION RECEIVED FROM LOIS HAMPTON AS A MEMBER OF THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS.

Ms. Roberts moved to accept the resignation of Lois Hampton as a member of the Historic Mesquite, Inc., Board of Directors. Motion was seconded by Mr. Tarpley and approved unanimously.

20. RESIGNATION RECEIVED FROM ATRICE ADENIYI AS A MEMBER OF THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS.

Mr. Pickett moved to accept the resignation of Atrice Adeniyi as a member of the Historic Mesquite, Inc., Board of Directors. Motion was seconded by Mr. Forsythe and approved unanimously.

21. APPOINTMENT OF ONE MEMBER TO THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2009.

Mr. Pickett moved to appoint Stephen Fagin as a member of the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2009. Motion was seconded by Mr. Noschese and approved unanimously.

22. APPOINTMENT OF THREE REGULAR MEMBERS TO THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD FOR TERMS TO EXPIRE OCTOBER 21, 2010.

Mr. Tarpley moved to reappoint Linda Rose and Andrew Leake as regular members of the Parks and Recreation Advisory Board and Tree Board and to change the appointment of David Burris from an alternate member to a regular member for terms to expire October 21, 2010. Motion was seconded by Mr. Pickett and approved unanimously.

23. APPOINTMENT OF TWO ALTERNATE MEMBERS TO THE PLANNING AND ZONING COMMISSION AND CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, ONE FOR A TERM TO EXPIRE OCTOBER 20, 2009, AND ONE FOR A TERM TO EXPIRE OCTOBER 20, 2010 – POSTPONED UNTIL THE NOVEMBER 3, 2008, CITY COUNCIL MEETING.

Mr. Tarpley moved to postpone the appointment of two alternate members to the Planning and Zoning Commission and Capital Improvements Advisory Committee until the November 3, 2008, City Council meeting. Motion was seconded by Mr. Pickett and approved unanimously.

24. APPOINTMENT OF ONE MEMBER TO THE FALCON'S LAIR TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FOUR BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2009, AND DESIGNATION OF A CHAIRPERSON FOR AN UNEXPIRED TERM OF DECEMBER 31, 2008.

Mr. Pickett moved to appoint Councilmember Greg Noschese as a member of the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors for a term to expire December 31, 2009, and to appoint Councilmember Dennis Tarpley as Chairperson for an unexpired term ending December 31, 2008. Motion was seconded by Ms. Roberts and approved unanimously.

25. APPOINTMENT OF ONE MEMBER TO THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2008.

Ms. Roberts moved to appoint Councilmember Al Forsythe as a member of the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for a term to expire December 31, 2008. Motion was seconded by Mr. Tarpley and approved unanimously.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 4:00 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider the purchase, exchange, lease or value of real property (sale or lease of property located at 1505 Edwards Church Road). After the closed meeting ended at 4:07 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

The meeting adjourned at 4:10 p.m.

Judy Womack
City Secretary

John Monaco
Mayor