

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, MAY 17, 2010, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Al Forsythe, Bill Porter, Stan Pickett, Shirley Roberts and Dennis Tarpley, City Manager Ted Barron and 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: (1) Discuss options for a Municipal Settings Designation for property located in the Gus Thomasson Corridor, (2) Discuss operations at Mesquite Golf Club, (3) Discuss Environmental Code annual report on caseload and disposition of complaints, (4) Receive briefing regarding the Mesquite Quality of Life Corporation's five-year plan, (5) Receive staff report regarding the proposed resolution of maintenance responsibilities for the Blackfoot Trail/Parkwood Trail alley and (6) Receive briefing regarding traffic impacts of three Texas Department of Transportation projects on US Highway 80.

(1) Council directed staff to place a Municipal Settings Designation on a future agenda that encompasses the former dry cleaners site and most of the North Gus Thomasson Corridor, with the exception of the sites identified by staff as potentially having environmental problems associated with them.

(2) Council concurred with staff's recommendations to acquire new golf carts.

(3) Council expressed interest in seeing more proactive enforcement of zoning violations.

(5) Discussed. Pursuant to Council direction, staff will provide additional information on this item at a future meeting.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 2:23 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Acquisition of property adjacent to the Mesquite Metro Airport) and Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Economic development incentives for a medical office building located on North Galloway Avenue); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:44 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:04 P.M.

Invocation was given by Chad Flowers, Youth Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.

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

APPOINTMENT FOR PERSONAL APPEARANCE.

1. A. APPOINTMENT – REPRESENTATIVE OF FIRST SOUTHWEST COMPANY – REVIEWED PRICING FOR THE ISSUANCE AND SALE OF BONDS.

Jason Hughes, representing First Southwest Company, reviewed pricing for the issuance and sale of three bond issues: (1) \$12,340,000, Combination Tax and Revenue Certificates of Obligation, Series 2010; (2); \$1,320,000, General Obligation Refunding Bonds, Series 2010 and (3) \$8,270,000 Waterworks and Sewer System Revenue Bonds, Series 2010.

Mr. Hughes stated that Standard & Poor's affirmed the City's credit rating for the General Obligation and Waterworks and Sewer System at "AA," which is the same rating the City received last year. Standard & Poor's cited the following reasons for the City's stand-alone rating affirmation for the General Obligation Refunding Bonds: location in the Dallas-Fort Worth metropolitan statistical area, participation in the expanding regional economy, good management, strong financial performance and a very strong reserved general fund balance; and for the Waterworks and Sewer System revenue bonds: stable customer base, controlled costs and willingness to adjust rates.

- B. ORDINANCE NO. 4088 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT – APPROVED.

Mr. Tarpley moved to approve Ordinance No. 4088, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Ordinance No. 4088 recorded on page _____ of Ordinance Book No. 94.)

- C. ORDINANCE NO. 4089 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING

THE EXECUTION OF A PURCHASE AGREEMENT AND AN ESCROW AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT – APPROVED.

Mr. Pickett moved to approve Ordinance No. 4089, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT AND AN ESCROW AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Ms. Roberts and approved by all voting “Aye.” (Ordinance No. 4089 recorded on page _____ of Ordinance Book No. 94.)

- D. ORDINANCE NO. 4090 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT – APPROVED.

Ms. Roberts moved to approve Ordinance No. 4090, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Mr. Porter and approved by all voting “Aye.” (Ordinance No. 4090 recorded on page _____ of Ordinance Book No. 94.)

CONSENT AGENDA.

Item No. 5B was removed from the Consent Agenda to be considered separately. Mr. Tarpley moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Forsythe and approved unanimously.

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 3, 2010.
3. ORDINANCE NO. 4091 – AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS FOLLOWING NON-ACCEPTANCE OR REJECTION OF FINAL OFFERS TO ACQUIRE RIGHTS-OF-WAY AND EASEMENTS FOR THE PIONEER ROAD PAVING AND DRAINAGE IMPROVEMENT PROJECT AND THE SOUTH MESQUITE CREEK SANITARY SEWER TRUNK MAIN REPLACEMENT, PHASE 2.

Minutes of regular City Council meeting held May 17, 2010

Page 4

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF STREET RIGHTS-OF-WAY AND EASEMENTS FOR THE PIONEER ROAD PAVING AND DRAINAGE IMPROVEMENT PROJECT AND THE SOUTH MESQUITE CREEK SANITARY SEWER TRUNK MAIN REPLACEMENT, PHASE 2, ON PIONEER ROAD AT THE INTERSECTION OF PIONEER ROAD AND WILKINSON STREET; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS FOLLOWING NON-ACCEPTANCE OR REJECTION OF FINAL OFFERS FROM THE CITY RIGHT-OF-WAY AGENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. (Ordinance No. 4091 recorded on page _____ of Ordinance Book No. 95.)

4. RESOLUTION NO. 19-2010 – APPROVING THE RECOMMENDED ALIGNMENT OF THE PROPOSED DALLAS WATER UTILITIES WATER TRANSMISSION PIPELINE.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE RECOMMENDED ALIGNMENT OF THE PROPOSED DALLAS WATER UTILITIES WATER TRANSMISSION PIPELINE WITHIN THE CITY OF MESQUITE, TEXAS. (Resolution No. 19-2010 recorded on page _____ of Resolution Book No. 43.)

5. A. BID NO. 2010-079 – PURCHASE OF A 70-FOOT QUINT AERIAL TRUCK – AWARDED TO SUTPHEN CORPORATION IN AMLIN, OHIO, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$793,601.25.
6. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH BINKLEY & BARFIELD, INC., FOR ENGINEERING SERVICES IN CONJUNCTION WITH THE 2010 ALLEY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$71,000.00.
7. A. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH KSA ENGINEERS FOR DESIGN AND SITE DEVELOPMENT OF THE CORPORATE HANGAR AT THE MESQUITE METRO AIRPORT IN THE AMOUNT OF \$131,947.00, CONTINGENT UPON EXECUTION OF A LETTER OF AGREEMENT WITH BARR AIR PATROL FOR REIMBURSEMENT OF THESE EXPENSES AND THOSE ASSOCIATED WITH THE ACTUAL CONSTRUCTION COST OF THE FACILITY.

B. CITY MANAGER AUTHORIZED TO EXECUTE A LETTER OF AGREEMENT WITH BARR AIR PATROL FOR AN ENGINEERING DESIGN/SITE DEVELOPMENT REIMBURSEMENT PLAN FOR NEW AIRCRAFT HANGAR AND OFFICE SPACE.
8. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(RQ910702, Golf Course Equipment Purchase – \$5,000.00 and NCTCOG Traffic Signal Retiming Project – Install Traffic Signal Fiber Optic Lines – \$5,759.00.)

CONSENT AGENDA ITEM CONSIDERED SEPARATELY.

5. B. CONSIDER DOWN PAYMENT OPTION ON THE PURCHASE OF A 70-FOOT QUINT AERIAL TRUCK IN THE AMOUNT OF \$198,400.00 – DENIED.

Mr. Pickett moved to deny a down payment option on the purchase of a 70-Foot Quint Aerial Truck in the amount of \$198,400.00. Motion was seconded by Ms. Roberts and approved unanimously.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

9. PUBLIC HEARING – ZONING – APPLICATION NO. 1397-27-2010 SUBMITTED BY MICHAEL ALTURK ON BEHALF OF NEDAL NASSER AND ORDINANCE NO. 4092 FOR A ZONING CHANGE FROM SERVICE STATION AND GENERAL RETAIL TO PLANNED DEVELOPMENT – OFFICE LOCATED AT 910 AND 1000 NORTH GALLOWAY AVENUE – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 1397-27-2010 submitted by Michael Alturk on behalf of Nedal Nasser for a zoning change from Service Station and General Retail to Planned Development – Office. This property is further described as a 0.8273-acre tract located at 910 and 1000 North Galloway Avenue.

Applicant Michael Alturk, 3111 St. Martin Drive, Mansfield, representing the owner, Nedal Nasser, stated that the proposed project is located on two tracts containing an 18,000-square-foot three-story building which will be utilized as a medical facility with a pharmacy on the first floor. The pharmacy will contain a drive-thru window with a double driveway entrance on Belt Line Road. He stated that the applicant was in agreement with all stipulations recommended by the Planning and Zoning Commission and that the applicant is requesting the building be repositioned to the northeast to avoid interference with power lines.

Owner Nedal Nasser, 436 Parkside Court, Murphy, stated that he will consider a 24-hour pharmacy, if necessary, to meet the needs of the Mesquite community. He currently operates two pharmacies in Richardson that operate daily from 8:30 a.m. – 9:00 p.m. Building completion is scheduled for January 2011.

Richard Gertson, Director of Community Development, stated that the zoning is tied to the property not the owner. A permit must be issued within two years of approval or the approved site plan will expire.

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

Minutes of regular City Council meeting held May 17, 2010

Page 6

Mr. Tarpley moved to approve Application No. 1397-27-2010, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Concept Plan
The Planned Development (“PD”) shall be developed consistent with the Concept Plan. Where the Concept Plan and PD ordinance text are in conflict, the ordinance text shall govern.
2. The uses permitted within the PD may include and shall be limited to the following:
 - a. SIC Code 5812 Eating, Drinking Places Except SIC 5812a:
Drive-In Restaurants
 - b. SIC Code 591 Drug Proprietary Stores
(Pharmacies)
 - c. SIC Code 5947 Gift, Novelty, Souvenir
Shops
 - d. SIC Code 5992 Florists
 - e. SIC Group 5995 Optical Goods Stores
 - f. SIC Groups 60- Finance, Insurance, Real Except SIC 60a and
67 Estate 61a: Alternative
Financial
Establishments
 - g. SIC Group 723 Beauty Shops
 - h. SIC Code 724 Barber Shops
 - i. SIC Group 80 Health Services
 - j. SIC Group 81 Legal Services
 - k. SIC Group 87 Engineering, Accounting,
Research, Management
Services
3. Signage
 - a. One non-digital monument sign shall be permitted per street frontage for a maximum of two signs. Except as provided herein, said sign shall conform to the standards of the Sign Ordinance. Sign location shall be subject to approval by the Director of Community Development.
 - b. The height of the sign shall not exceed 12 feet from grade. The monument width shall not exceed 10 feet.
 - c. The sign face shall not exceed 80 square feet.
4. Landscaping shall include:
 - a. All trees and landscape planting materials shall consist of heat and drought-tolerant plants as identified in Xeriscape – North Texas.
 - b. Street trees shall be provided along Galloway Avenue and Belt Line Road with a maximum separation of 30 feet on center. Street trees shall be located between the sidewalk and the street curb in a parkway of not less than seven feet.
 - c. All trees planted along the street shall consist of large shade trees with an “oval” or “ball” form tree.
 - d. All parking islands shall be landscaped with grasses, perennials and shrubs.

Minutes of regular City Council meeting held May 17, 2010

Page 7

- e. Parking screens shall consist of woody annuals, perennial and annual native plants along with shrubs. The shrubs shall be installed with a minimum height of three feet and maintained at a minimum height of four feet at maturity.
 - f. The entire area south of the building shall be landscaped to include a rip-rapped active water feature, shrubs, grass and perennial and/or annual native plants. Pedestrian facilities and amenities may also be located in this area.
5. Fences and Screening
If any fencing is placed on the property, it shall be constructed of decorative wrought iron.
6. Outdoor Display and/or Storage shall be prohibited.
7. Pedestrian Facilities
- a. The sidewalk along North Galloway shall be a minimum of eight feet in width or a width necessary to comply with the City of Mesquite's Trails Master Plan. If necessary or desired, a portion of the sidewalk may be located on private property. Any portion of the sidewalk located on private property must be within a pedestrian easement. Other sidewalks shall be a minimum of five feet in width.
 - b. A pedestrian plaza shall be located on the north side of the building and shall consist of the following:
 - i. A pedestrian linkage to the parking lot and to the sidewalk along North Galloway.
 - ii. Pedestrian furniture.
 - iii. Bicycle rack.
8. Building Appearance and Form Standards
- a. Maximum height – none.
 - b. There shall be no building setback requirements in the PD except as provided herein. Buildings shall align and be located as shown in the Concept Plan.
 - c. Buildings and site design shall comply with the Community Appearance Manual and shall be subject to approval by the Director of Community Development. All facades shall be defined as principal facades. The south façade of the building shall include a tower or other massing or architectural element(s) that provides a visual distinctiveness different from the other building facades and that is complimentary to the open space south of the building.
9. Parking
- a. Parking shall be provided as generally shown on the Concept Plan.
 - b. All parking rows shall be bounded by a landscaped area or a landscaped parking island.

And to approve Ordinance No. 4092, 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 SERVICE STATION AND GENERAL RETAIL TO PLANNED DEVELOPMENT - OFFICE SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED

Minutes of regular City Council meeting held May 17, 2010

Page 8

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. 4092 recorded on page _____ of Ordinance Book No. 95.)

10. A. PUBLIC HEARING – CONSIDER AMENDING THE MESQUITE COMPREHENSIVE PLAN BY ESTABLISHING POLICIES FOR THE DESIGN AND LOCATION OF URBAN MULTIFAMILY DEVELOPMENT IN HIGH INTENSITY DEVELOPMENT AREAS, AND MODIFYING THE REGIONAL RETAIL AND BUSINESS CORRIDOR MAPS TO DESIGNATE CERTAIN AREAS AS APPROPRIATE FOR URBAN MULTIFAMILY RESIDENTIAL – POSTPONED UNTIL THE JUNE 7, 2010, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider amending the Mesquite Comprehensive Plan by establishing policies for the design and location of urban multifamily development in high intensity development areas, and modifying the regional retail and business corridor maps to designate certain areas as appropriate for Urban Multifamily Residential. This item was postponed at the May 3, 2010, City Council meeting.

Mr. Tarpley moved to postpone a public hearing to consider amending the Mesquite Comprehensive Plan until the June 7, 2010, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

- B. PUBLIC HEARING – ZONING TEXT AMENDMENT NO. 2010-02 – CONSIDER CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE TRADITIONAL NEIGHBORHOOD MULTI-FAMILY DISTRICT (TNMD), WHICH SHALL INCLUDE NEW OR AMENDED PROCEDURAL REQUIREMENTS, STANDARDS FOR SITE DESIGN AND REGULATIONS AFFECTING BUILDING FORM, BUILDING DESIGN, SETBACKS, PARKING, LANDSCAPING AND PERMITTED USES – POSTPONED UNTIL THE JUNE 7, 2010, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Zoning Text Amendment No. 2010-02 to create a new zoning classification to be known as the Traditional Neighborhood Multi-Family District (TNMD), which shall include new or amended procedural requirements, standards for site design and regulations affecting building form, building design, setbacks, parking, landscaping and permitted uses. This item was postponed at the May 3, 2010, City Council meeting.

Mr. Tarpley moved to postpone a public hearing to consider Zoning Text Amendment No. 2010-02 to create a new zoning classification to be known as the Traditional Neighborhood Multi-Family District (TNMD) until the June 7, 2010, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

11. APPOINTMENT OF ONE MEMBER TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS FOR A TERM TO EXPIRE MAY 31, 2012.

Mr. Pickett moved to reappoint Terry Anderson as a member of the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2012. Motion was seconded by Mr. Porter and approved unanimously.

12. APPOINTMENT OF ONE MEMBER TO THE PERSONNEL/TRIAL BOARD FOR A TERM TO EXPIRE NOVEMBER 7, 2012, WHO WILL ALSO SERVE ON THE CIVIL SERVICE COMMISSION.

Ms. Roberts moved to appoint William Holliman as a member of the Personnel/Trial Board for a term to expire November 7, 2012, who will also serve on the Civil Service Commission. Motion was seconded by Mr. Forsythe and approved unanimously.

13. APPOINTMENT OF TWO REPRESENTATIVES TO ATTEND THE CITY/SCHOOL JOINT TAX OFFICE ADVISORY BOARD MEETING ON JUNE 1, 2010, AT 10:30 A.M.

Ms. Roberts moved to appoint Councilmembers Stan Pickett and Bill Porter to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held June 1, 2010, at 10:30 a.m. Motion was seconded by Mr. Forsythe and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 3:30 p.m.

Sonja Land
City Secretary

John Monaco
Mayor