

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, MAY 19, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers David Paschall, Dennis Tarpley, Stan Pickett and Shirley Roberts, 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 review: (1) 2008-09 budget outlook; (2) 2008-09 budget for Mesquite Quality of Life Corporation and Capital Improvements Program and (3) Five-Year Plan for the Fire Department.

**WORK SESSION – CITY COUNCIL CHAMBER – 1:00 P.M.**

A. **MONTHLY FINANCIAL REPORT FOR MARCH 2008 – RECEIVED.**

Don Simons, Director of Finance, presented the monthly financial report for March 2008.

The Work Session ended at 1:10 p.m.

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

Invocation was given by Councilmember Stan Pickett.

The Pledge of Allegiance was led by Fernando Olvera and Matthew Hortman, fourth grade students from Galloway Elementary School.

**SPECIAL ANNOUNCEMENTS.**

(1) Mayor Monaco recognized Boy Scout Henry Harrison, with Troop No. 595, who is working on his Citizenship in the Community merit badge.

(2) Ms. Roberts announced that Saturday, May 16, was the annual Kid Fish event organized by the Parks and Recreation Department and Old Town Mesquite, Inc. The event was a big success.

**CITIZENS FORUM.**

Gerald Wade, 2316 Browning Drive, stated that he has recently been cited for Code Enforcement violations while other homeowners in his neighborhood have not been cited. Mayor Monaco suggested he meet with Director of Community Development Richard Gertson to discuss his concerns.

**APPOINTMENT FOR PERSONAL APPEARANCE.**

1. A. APPOINTMENT – REPRESENTATIVE OF RBC CAPITAL MARKETS – REVIEWED PRICING FOR THE ISSUANCE AND SALE OF BONDS.

Gary Machak, representing RBC Capital Markets, reviewed pricing for the issuance and sale of four bond issues: (1) \$10,070,000, Combination Tax and Revenue Certificates of Obligation, Series 2008; (2) \$3,455,000, Public Property Finance Contractual Obligations, Series 2008; (3) \$2,115,000, General Obligation Refunding Bonds, Series 2008 and (4) \$11,585,000 Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2008.

Mr. Machak stated that the market faired one-half of a percentage point better than anticipated. This excellent market timing will save approximately \$135,000 per year or \$2.7 million over the next 20 years of debt service.

Mr. Machak stated that Standard & Poor's affirmed the City's credit rating for the Waterworks and Sewer System and General Obligation at "AA." Moody's affirmed the City's credit rating for the Waterworks and Sewer System at "A1" and the General Obligation at "Aa3." The reduced bond insurance rates produced an immediate savings of \$33,000.00. The rating agencies cited the following reasons for the City's stand-alone rating affirmation: strong financial position; pay-as-you-go financing of capital improvements; growing and diverse tax base; low debt burden; good management, financial performance and reserve position and adequately addressing any potential decline in sales tax revenues. Mr. Machak stated that \$2.04 million in General Obligation bonds and \$3.46 million in Wastewater and Sewer System Revenue bonds were refunded. He added that the Waterworks and Sewer System Reserve Fund was replaced with a surety bond releasing \$4.06 million for use by the City.

Mr. Machak stated that very competitive interest rates were received, ranging from 2.25 to 4.70 percent. The bond closing is anticipated for June 18, 2008.

Councilmembers expressed appreciation to Mr. Machak and his staff for the work they perform for the City.

- B. ORDINANCE NO. 3948 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008, 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. Pickett moved to approve Ordinance No. 3948, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008, 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. Tarpley and approved by all voting "Aye." (Ordinance No. 3948 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

- C. ORDINANCE NO. 3949 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS, SERIES 2008, 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. 3949, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS, SERIES 2008, 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 Ms. Roberts and approved by all voting "Aye." (Ordinance No. 3949 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

- D. ORDINANCE NO. 3950 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008, 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.

Mr. Pickett moved to approve Ordinance No. 3950, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008, 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 Mr. Paschall and approved by all voting "Aye." (Ordinance No. 3950 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

- E. ORDINANCE NO. 3951 – AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2008, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT AND AN ESCROW AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ENACTING PROVISIONS RELATING TO THE RESERVE FUND FOR SAID BONDS, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT – APPROVED.

Mr. Paschall moved to approve Ordinance No. 3951, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2008, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT AND AN ESCROW AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ENACTING PROVISIONS RELATING TO THE RESERVE FUND FOR SAID BONDS, AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Ordinance No. 3851 recorded on page of Ordinance Book No. 90.)

**CONSENT AGENDA.**

Item Nos. 4 and 11 were removed from the Consent Agenda to be considered separately. Mr. Paschall moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Pickett and approved unanimously.

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 5, 2008.
3. ORDINANCE NO. 3952 – AMENDING CHAPTER 10 OF THE CITY CODE REGARDING JUNKED VEHICLES.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 10-165 AND 10-166 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 10-165 AND 10-166; THEREBY ESTABLISHING REGULATIONS FOR JUNKED VEHICLES; 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. 3952 recorded on page of Ordinance Book No. 90.)

5. ORDINANCE NO. 3954 – AMENDING CHAPTER 16 OF THE CITY CODE REGARDING THE WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 16-10 IN ITS ENTIRETY AND ADDING NEW SECTIONS 16-12, 16-13 AND 16-14; THEREBY ADOPTING A WATER CONSERVATION PLAN, ESTABLISHING CERTAIN WATER CONSERVATION REGULATIONS AND ADOPTING A DROUGHT CONTINGENCY PLAN AND REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING 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. (Ordinance No. 3954 recorded on page of Ordinance Book No. 90.)

6. ORDINANCE NO. 3955 – AMENDING THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION, GAS FRANCHISE AGREEMENT TO INCREASE THE FRANCHISE FEE FROM FOUR PERCENT TO FIVE PERCENT.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND ATMOS ENERGY CORPORATION, MID-TEX DIVISION, TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION, MID-TEX DIVISION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3955 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

7. ORDINANCE NO. 3956 – PROVIDING FOR AN ADDITIONAL PENALTY IN THE AMOUNT OF TWENTY PERCENT (20%) ON DELINQUENT AD VALOREM TAXES, PENALTY AND INTEREST DUE AND DELINQUENT ON AND AFTER JULY 1 OF THE YEAR IN WHICH THE SAME BECAME DELINQUENT.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR AN ADDITIONAL PENALTY IN THE AMOUNT OF 20 PERCENT TO DEFRAY COST OF COLLECTIONS ON DELINQUENT AD VALOREM TAXES, PENALTY AND INTEREST DUE AND DELINQUENT ON AND AFTER JULY 1 OF THE YEAR IN WHICH THE SAME BECAME DELINQUENT; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3956 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

8. ORDINANCE NO. 3957 – ADOPTING THE 2007-08 AMENDED BUDGET.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF 2007-08 AS HERETOFORE APPROVED BY ORDINANCE NO. 3891 OF THE CITY OF MESQUITE, TEXAS, ADOPTED ON SEPTEMBER 18, 2007, APPROPRIATING THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY AS PROVIDED FOR IN SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3957 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

9. ORDINANCE NO. 3958 – ADOPTING THE ALLEY PAVING PETITION POLICY.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE ALLEY PAVING PETITION POLICY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 3958 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

10. RESOLUTION NO. 21-2008 – AUTHORIZING THE MAYOR TO EXECUTE A PROJECT SUPPLEMENTAL AGREEMENT WITH DALLAS COUNTY IN CONJUNCTION WITH THE U.S. HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE PROJECT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AND APPROVE THE PROJECT SUPPLEMENTAL AGREEMENT WITH THE COUNTY OF DALLAS WHICH INCLUDES THE U. S. HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE PROJECT. (Resolution No. 21-2008 recorded on page                      of Resolution Book No. 41.)

12. CITY MANAGER AUTHORIZED TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH WILSON & COMPANY FOR DESIGN OF THE MOTLEY DRIVE RECONSTRUCTION PROJECT IN THE AMOUNT OF \$532,705.80.
13. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO THE POLICE FACILITY/CITY HALL EXPANSION PROJECT, PHASE 2 CONTRACT WITH BRINKLEY SARGENT ARCHITECTS IN THE AMOUNT OF \$188,381.00 FOR ADDITIONAL DESIGN SERVICES TO OBTAIN LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION.
14. MAYOR AUTHORIZED TO EXECUTE AN EXTENSION TO THE COMMERCIAL AND INDUSTRIAL REFUSE COLLECTION AGREEMENT WITH ALLIED WASTE SYSTEMS EXTENDING THE CURRENT AGREEMENT THROUGH DECEMBER 31, 2008.
15. PETITION REQUEST APPROVED FOR THE INSTALLATION OF SPEED BUMPS IN THE ALLEY BETWEEN 1301 FARLEY DRIVE AND 1305 FARLEY DRIVE FROM 1316 CHOCTAW DRIVE TO 3228 HASTINGS DRIVE.
16. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.  
(CE27-7230, BUFFER ZONE PROTECTION PROGRAM - \$13,533.00; CE2006-111, ANNUAL SUPPLY OF SMALL TOOLS - \$4,000.00 AND CE27-7880, CITY LAKE PARK DAM AND SPILLWAY REPAIR/REPLACEMENT – ENGINEERING SERVICES - \$2,500.00.)
  - A. RESOLUTION NO. 22-2008 – RATIFYING THE FILING OF TWO PROJECT APPLICATIONS WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR SOLID WASTE GRANT FUNDING IN THE AMOUNTS OF \$26,432.00 AND \$15,250.00 AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATING TO THESE PROJECT APPLICATIONS AND TO EXECUTE COMPLIANCE WITH THE PROJECT REQUIREMENTS AS ESTABLISHED BY NCTCOG AND THE TEXAS

COMMISSION ON ENVIRONMENTAL QUALITY IF SELECTED FOR FUNDING.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE FILING OF A PROJECT APPLICATION IN THE TOTAL AMOUNT OF \$41,682 WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO IMPLEMENT A MULTI-FAMILY RECYCLING PILOT PROGRAM AND PURCHASE RECYCLING RECEPTACLES FOR ALL CITY-OWNED AND OPERATED FACILITIES, AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF MESQUITE IN ALL FUTURE MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT ALL APPROVED PROJECTS WILL COMPLY WITH THE PROJECT REQUIREMENTS OF THE NCTCOG, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND THE STATE OF TEXAS. (Resolution No. 22-2008 recorded on page of Resolution Book No. 41.)

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.**

4. ORDINANCE NO. 3953 – AMENDING CHAPTER 15 OF THE CITY CODE REGARDING THE DUTY OF AN ABUTTING PROPERTY OWNER TO RECONSTRUCT OR REPAIR EXISTING SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES AND ESTABLISHING POLICIES AND PROCEDURES FOR ADMINISTRATION OF THE 50/50 COST SHARE PROGRAM FOR REPLACING EXISTING SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES - APPROVED.

Mr. Tarpley stated that the City has had the 50/50 Cost Share Program in place since January 1989 which allows citizens, in residential areas only, to pay 50 percent of the established unit prices for replacement of sidewalk, curb and gutter and driveway approaches.

Tim Tumulty, Director of Public Works, stated that current charges are \$4-per-square-foot for sidewalk replacement, \$21-per-linear-foot for curb and gutter replacement and \$5-per-aquare-foot for driveway approach replacement. However, citizens who chose to take advantage of this program will only incur one-half of this cost. This program encourages citizens to replace deteriorated sidewalks, curb and gutter and driveway approaches with minimal expense to the homeowner.

Mr. Tarpley moved to approve Ordinance No. 3953, amending Section 15-44(c)4 to include 24 monthly payments, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 15-44 IN ITS ENTIRETY AND ADDING A NEW SECTION 15-44 REGARDING THE DUTY OF AN ABUTTING PROPERTY OWNER TO RECONSTRUCT OR REPAIR EXISTING SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES; ESTABLISHING POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE 50/50 COST SHARE PROGRAM FOR REPLACING EXISTING SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES; ESTABLISHING CERTAIN RESTRICTIONS PERTAINING TO SUCH REPLACEMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Ordinance No. 3953 recorded on page of Ordinance Book No. 90.)

11. BID NO. 2008-074 – ANNUAL PURCHASE OF RECYCLING BINS – AWARDED TO LOW BIDDER OTTO ENVIRONMENTAL SYSTEMS (AZ), LLC, IN THE AMOUNT OF \$74,002.50 – APPROVED.

Tim Tumulty, Director of Public Works, stated that approximately 13,000 18-gallon plastic recycling bins will be purchased for a residential curbside recycling bin pilot program. The funds were obtained through a solid waste grant administered by the North Central Texas Council of Governments. At this time, the pilot program will be implemented in conjunction with the blue bag recycling program. However, if successful, the recycling bin program will replace the blue bag program. The pilot program is anticipated to begin in mid-summer with educational material being distributed to residents.

Councilmembers expressed support for the residential curbside recycling bin pilot program and encouraged citizens to take advantage of this new recycling opportunity.

Mr. Pickett moved to approve award of Bid No. 2008-074 for Annual Purchase of Recycling Bins to low bidder Otto Environmental Systems (AZ), LLC, in the amount of \$74,002.50. Motion was seconded by Ms. Roberts and approved unanimously.

### END OF CONSENT AGENDA.

### PUBLIC HEARINGS.

17. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-260 SUBMITTED BY MICHAEL RAY HUNT FOR A ZONING CHANGE FROM GENERAL RETAIL TO COMMERCIAL AT 1402 EAST U.S. HIGHWAY 80 – POSTPONED UNTIL THE JUNE 2, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 1462-260 submitted by Michael Ray Hunt for zoning change from General Retail to Commercial in the Daniel Tanner Survey, Abstract No. 1462 between I 635 and North Galloway Avenue along the service road on the south side of U.S. Highway 80. This property is located at 1402 East U.S. Highway 80.

Mr. Tarpley moved to postpone consideration of Application No. 1462-260 until the June 2, 2008, City Council meeting. Motion was seconded by Mr. Pickett and approved unanimously.

18. PUBLIC HEARING – ZONING TEXT AMENDMENT NO. 2008-2 AND ORDINANCE NO. 3959 AMENDING SECTIONS 3-100, 3-200, 3-300 AND 3-600 OF THE MESQUITE ZONING ORDINANCE CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE CIVIC DISTRICT (CV) – APPROVED.



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A public hearing was held to consider Zoning Text Amendment No. 2008-2 and an ordinance amending Sections 3-100, 3-200, 3-300 and 3-600 of the Mesquite Zoning Ordinance creating a new zoning classification to be known as the Civic District (CV).

Richard Gertson, Director of Community Development, explained that this text amendment will create a new civic zoning district intended primarily for governmental, quasi-governmental and charitable type organizations and institutions. The zoning change will allow protection from undesirable uses in these districts. Mr. Gertson stated that the text amendment was prompted by Application No. NR1-6, the next item on the agenda, relating to rezoning of the residential property directly behind the Mesquite Arts Center.

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

Mr. Tarpley moved to approve Zoning Texas Amendment No. 2008-2 amending Sections 3-100, 3-200, 3-300 and 3-600 of the Mesquite Zoning Ordinance, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 3959, 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 3-100, 3-200, 3-300 AND 3-600 THEREBY CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE CIVIC (CV) 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 Ms. Roberts and approved by all voting "Aye." (Ordinance No. 3959 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

19. PUBLIC HEARING – ZONING – APPLICATION NO. NR1-6 AND ORDINANCE NO. 3960 FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL, GENERAL RETAIL, OFFICE AND R3 SINGLE-FAMILY RESIDENTIAL TO CIVIC, FOR VARIOUS CITY-OWNED PROPERTIES INCLUDING THE MUNICIPAL CENTER, THE MESQUITE ARTS CENTER AND RELATED PARKING LOCATED IN THE 1500 BLOCK OF NORTH GALLOWAY AVENUE – APPROVED.

A public hearing was held to consider Application No. NR1-6 and an ordinance for a zoning change from Planned Development-General Retail, General Retail, Office and R3 Single-Family Residential to Civic, for various City-owned properties including the Municipal Center, the Mesquite Arts Center and related parking located in the 1500 block of North Galloway Avenue.

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

Mr. Pickett moved to approve Application No. NR1-6 for a zoning change from Planned Development-General Retail, General Retail, Office and R3 Single-Family Residential to Civic, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 3960, 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-GENERAL RETAIL, GENERAL RETAIL, OFFICE AND R3 SINGLE-FAMILY RESIDENTIAL TO CIVIC; 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. Tarpley and approved by all voting "Aye." (Ordinance No. 3960 recorded on page \_\_\_\_\_ of Ordinance Book No. 90.)

**OTHER BUSINESS.**

20. CANCELLED THE REGULAR CITY COUNCIL MEETING SCHEDULED TO BE HELD SEPTEMBER 1, 2008, DUE TO THE LABOR DAY HOLIDAY AND RESCHEDULED THE REGULAR CITY COUNCIL MEETING FOR TUESDAY, SEPTEMBER 2, 2008.

Ms. Roberts moved to cancel the regular City Council meeting scheduled to be held September 1, 2008, due to the Labor Day holiday and to reschedule the meeting for Tuesday, September 2, 2008. Motion was seconded by Mr. Tarpley and approved unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS.**

21. APPOINTMENT OF ONE REGULAR MEMBER TO THE BUILDING STANDARDS BOARD FOR A TERM TO EXPIRE JANUARY 1, 2009.

Mr. Pickett moved to appoint Richard G. Walker, Jr., as a regular member to the Building Standards Board for a term to expire January 1, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

22. APPOINTMENT OF FOUR MEMBERS TO THE MESQUITE YOUTH SERVICES, INC., BOARD OF DIRECTORS FOR TERMS TO EXPIRE MAY 31, 2010.

Mr. Paschall moved to reappoint Derek Rohde, Carol Zolnerowich, Robert Piccioni and Andy McDaniel as members of the Mesquite Youth Services, Inc., Board of Directors for terms to expire May 31, 2010. Motion was seconded by Mr. Tarpley and approved unanimously.

23. APPOINTMENT OF ONE MEMBER TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS FOR A TERM TO EXPIRE MAY 31, 2010.

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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, 2010. Motion was seconded by Mr. Tarpley and approved unanimously.

24. APPOINTMENT OF TWO REPRESENTATIVES TO ATTEND THE CITY/SCHOOL JOINT TAX OFFICE ADVISORY BOARD MEETING ON JUNE 3, 2008, AT 10:30 A.M.

Mr. Pickett moved to appoint Councilmembers Shirley Roberts and Greg Noschese to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held June 3, 2008, at 10:30 a.m. Motion was seconded by Ms. Roberts and approved unanimously.

**SPECIAL ANNOUNCEMENT.**

Mr. Paschall announced that today was his last City Council meeting. He wished the best for his successor Greg Noschese and expressed appreciation to friends, family and City staff for their support throughout the past 10 years.

Councilmembers expressed appreciation to Mr. Paschall for his dedication, hard work, service on the City Council and friendship over the past 10 years.

Mr. Paschall moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 3:50 p.m.

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Judy Womack  
City Secretary

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John Monaco  
Mayor