

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, SEPTEMBER 15, 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) contract negotiations with Allied Waste, (2) aesthetics for Peachtree Towne Center bridge, (3) proposed development agreement with 269 Kaufman Partners for a mixed-use development in the extraterritorial jurisdiction and (4) update regarding the 2009 Real. Texas. Festival.

(2) Council concurred with the design for the Peachtree Towne Center bridge.

**WORK SESSION – CITY COUNCIL CHAMBER – 1:08 P.M.**

A. **UPDATE FROM MESA DESIGN GROUP REGARDING THE I-30 GATEWAY PROJECT – RECEIVED.**

Robin McCaffrey, representing Mesa Design Group, recapped Phases 1 and 2 of the I-30 Gateway Project. He stated that the Rockwall City Council recently approved a development plan for a 62-acre mixed-use development along I-30 located east of the Harbor area. Like Mesquite, the City of Rockwall sees itself in a position of having to bring together the conditions of multiple ownership into a coherent plan for the future.

Mr. McCaffrey stated Phase 1 of Mesquite's I-30 Gateway project included defining the market demand and assessing the limitations that keep Mesquite from accessing the market. Phase 2 provided ideas to overcome these limitations. A planning framework was presented on how to begin to change the patterns of the past to embrace new patterns that will better position Mesquite to take advantage of market opportunities that are available.

Mr. McCaffrey stated that two gateways to the City were identified – the Long Branch Creek area along I-30 to the east and the I-30/U.S. Highway 80 triangle to the west. He stated that in the area east of Highway 205 there are more rural conditions, lower densities and more non-durable goods. To the west of Highway 205 there are higher densities and more durable goods including specialty retail markets such as The Harbor in Rockwall.

Mr. McCaffrey stated that at one time, Mesquite was on the outer edge of a growing metropolitan area but with development now moving east along the I-30 corridor to Hunt County and along the Highway 80 corridor to Terrell, Mesquite is now the center of a growing region. He stated that 36 structural impediments were identified such as rural ramp styles, congestion, land values, vacancies and parcel configurations which inhibit the City's ability to access the rapidly increasing demand for goods and services. He stated that the I-30 frontage road toward Dallas contains various

outdated uses from an older freeway system which was constructed at the time Town East Mall was being developed and retail moved in that direction. The land fronting the I-30 corridor toward Dallas is more valuable than the businesses that occupy the property. The frontage pads are shallow and narrow and ramp configurations are rural in style which disassociates the frontage of the interstate from the development.

Mr. McCaffrey stated that regional Mesquite and local Mesquite have become so entwined that it is difficult to separate the two. Local streets that were once part of the City now serve freeways in the regional system. The local system will cease to exist if it is submissive to the regional system. He stated that their proposal is for the local system to reestablish itself into a form that can exist independent of the regional system such as a loop road. Once there is local and regional clarity to the City, we can preserve and create a City that can exist independent of its regional system while benefiting from the population growth and development that the regional system will provide.

Mr. McCaffrey stated that the Long Branch Creek area has areas of natural constraint including a golf course with a large flood plain. Areas with the greatest value potential are located along the freeway and seem to be burdened by structural and access impediments. This is also the case in the I-30/U.S. Highway 80 triangle where there is a distribution of structural impediments such as rural ramp styles and access concerns. A change must be made to the parcel configuration pattern along the freeways to allow creation of parcels that are more marketable today.

Structural impediments to market capture fall into four general categories – (1) Parcel Configuration – land that is available to accommodate market driven development; (2) Value Resolution – depreciation in land value that restrains development; (3) Access – discontinuities, insufficient capacities and ambiguities that impede ingress/egress and identity/orientation; and (4) Context Definition/Image – land use, condition and/or discontinuity within the context that hosts the development area and conflicts with the market driven development type.

The actions necessary to address impediments include four initiatives: (1) Physical Actions and Strategies – development , reconstruction, repair and/or physical enhancement within or affecting the public domain; (2) Policies and Policy Tools – creation of ordinances, procedures, directives and/or priorities that influence the management of and implementation of the plan; (3) Internal Organizational Structures and Initiatives – the creation of agencies, boards, task forces and/or committees within the structure of City governance that facilitate and/or manage implementation of the plan; and (4) External Organizational Structures and Initiatives – the creation of boards, task forces, committees, interest groups and/or associations among private property owners, investors and/or stakeholders that facilitate and/or manage implementation of the plan.

Mr. McCaffrey explained the 10 steps for implementation of the Gateway Strategy: (1) Adoption of the Corridor Redevelopment Plan; (2) Creation of a Redevelopment Agency; (3) Establishment of a Tax Increment Finance District; (4) Establishment of a Bridge Financing Mechanism; (5) Assembly of land in the Tax Increment Reinvestment Zone by the Mesquite Redevelopment Agency; (6) Designation of a regulatory structure for the corridor, in the form of an Overlay District or Planned Development District; (7) Creation of private entities to defray the operational burden of public improvements; (8) Creation of a Public Improvement District for each gateway to fund costs defrayed from the City to the Property Owners Association; (9) Establishment of

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an organizational partnership between the Property Owner's Association and the Economic Development Committee; and (10) Development of a code review process to identify realignments/amendments/replacements necessary to facilitate reinvestment and redevelopment and execute such realignments/amendments/replacements.

Councilmembers expressed support for the ideas presented.

#### **B. MONTHLY FINANCIAL REPORT FOR JULY 2008 - RECEIVED.**

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

The Work Session ended at 2:10 p.m.

### **REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:10 P.M.**

Invocation was given by Pat Grable, Associate Pastor, First United Methodist Church, Mesquite, Texas.

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

#### **SPECIAL ANNOUNCEMENTS.**

(1) Mr. Noschese expressed appreciation to members of the Divine Mercy of Our Lord Catholic Church in Mesquite for holding a Blue Mass on September 14 for the City's police officers and fire fighters.

(2) Mayor Monaco announced that City Manager Ted Barron celebrated a birthday on Saturday, September 13.

#### **CITIZENS FORUM.**

(1) Ms. Ann Yates, 1300 Douglas Drive, requested the City Council 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 loud car stereo speakers.

Mayor Monaco stated that staff made note of her concerns.

(2) Gabriel and Jane Ojeda, representing Fritz-Pak Corporation, 4821 Eastover Circle, expressed appreciation to the Mayor and Council for approving a five-year, 50 percent rebate of property taxes as a tax incentive which allowed them to relocate their business to Mesquite. The Ojedas invited the Mayor and Council to attend a ribbon cutting ceremony at the new Fritz-Pak Corporation site on Friday, September 26, from 2:00 p.m. to 4:00 p.m.

**CONSENT AGENDA.**

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 2, 2008.
2. ORDINANCE NO. 3987 – AMENDING CHAPTER 5 OF THE CITY CODE ESTABLISHING AN ANNUAL FEE FOR BACKFLOW PREVENTION ASSEMBLY DEVICE INSPECTIONS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 5-290(b) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-290(b) THEREBY AMENDING THE BACKFLOW INSPECTION FEE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3987 recorded on page                      of Ordinance Book No. 91.)

3. RESOLUTION NO. 42-2008 – ADOPTING AN INVESTMENT POLICY.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INVESTMENT POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 42-2008 recorded on page                      of Resolution Book No. 41.)

4. RESOLUTION NO. 43-2008 – ENDORSING A THREE-YEAR GRANT FOR THE SPEED SELECTIVE TRAFFIC ENFORCEMENT PROJECT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING THE MULTI-YEAR GRANT FOR THE SPEED SELECTIVE TRAFFIC ENFORCEMENT PROJECT FOR THREE YEARS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THIS PROJECT. (Resolution No. 43-2008 recorded on page                      of Resolution Book No. 41.)

5. BID NO. 2008-051 – INSTALLATION OF TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS AT TOWN EAST BOULEVARD AND NORTH GALLOWAY AVENUE – ALL BIDS REJECTED AND REBID AT A LATER DATE.
6. BID NO. 2008-098 – ANNUAL SUPPLY OF GARBAGE CAN LINERS – AWARDED TO DYNA PAK CORPORATION IN THE AMOUNT OF \$224,900.00.

7. BID NO. 2009-012 – ANNUAL RADIO MAINTENANCE CONTRACT – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH SOLE SOURCE PROVIDER MOTOROLA, INC., IN THE AMOUNT OF \$302,856.72.
8. BID NO. 2009-022 – PURCHASE OF REPLACEMENT LIGHT AND AIR TRUCK FOR FIRE DEPARTMENT – AWARDED TO METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$426,320.00.
9. CITY MANAGER AUTHORIZED TO EXECUTE THE 2009 PREMIUM RENEWAL AGREEMENT WITH CIGNA DENTAL PROVIDING EMPLOYEE/RETIREE DPPO AND DHMO DENTAL PLANS EFFECTIVE JANUARY 1, 2009.
10. CITY MANAGER AUTHORIZED TO EXECUTE THE 2009 SELF-INSURED MEDICAL PLAN ADMINISTRATIVE SERVICES ONLY (ASO) AND PRESCRIPTION DRUG BENEFITS RENEWAL AGREEMENT WITH CIGNA HEALTHCARE, INC., PROVIDING EMPLOYEE/RETIREE OAP AND HMO GROUP MEDICAL PLANS EFFECTIVE JANUARY 1, 2009.
11. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 3 TO CITY CONTRACT NO. 2007-004 WITH REBCON, INC., IN CONJUNCTION WITH THE TRIPP ROAD PAVING, DRAINAGE, WATER, SANITARY SEWER AND AESTHETIC ENHANCEMENT PROJECT IN THE AMOUNT OF \$33,920.00.
12. CITY MANAGER AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE MESQUITE CHAMBER OF COMMERCE FOR PROFESSIONAL SERVICES.
13. POLICE CHIEF AUTHORIZED TO EXECUTE A COMMUNITY COOPERATIVE WORKING AGREEMENT WITH KAUFMAN COUNTY REGARDING A SEXUAL ASSAULT RESPONSE TEAM.
14. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.  
(CE28-8420, T-HANGAR CONSTRUCTION - \$23,069.75; CE2008-088, CITY LAKE PARK SPILLWAY REPAIR PROJECT – [\$4,500.00] AND CEI034-2007, ANNUAL SUPPLY OF IRRIGATION REPAIR PARTS - \$2,000.00.)

**END OF CONSENT AGENDA.**

**PUBLIC HEARINGS.**

15. PUBLIC HEARING – ZONING – APPLICATION NO. 1461-97B AND ORDINANCE NO. 3988 AMENDING PD NO. 2506 PLANNED DEVELOPMENT – SERVICE STATION TO ALLOW THE SALE OF DIESEL FUEL AT 1145 IH 30 – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 1461-97B submitted by Tony Wagner, Danny Tosh Management, amending PD No. 2506, Planned Development – Service Station on a 40,000-square-foot lot to allow the sale of diesel fuel. This property is further described as Prairie Hills Retail, Block 1, Lot 1, located at 1145 IH 30.

Tony Wagner, Danny Tosh Management, stated that the service station was remodeled several years ago. At that time, staff at the station began selling diesel fuel without realizing the need to notify the City's Planning Division. The reason for the zoning change request is to allow the sale of diesel fuel at the location. Mr. Wagner agreed with the stipulations approved by the Planning and Zoning Commission and confirmed that service station staff would ensure that they comply with these stipulations.

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

Mr. Noschese moved to approve Application No. 1461-97B, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Diesel sales shall be limited to two-axle, single-unit domestic household vehicles only. No large trucks may enter the site except for fuel tankers servicing the fuel tanks and trucks making deliveries to the store.
2. The site must contain the current minimum standards for parking spaces as prescribed in the City of Mesquite Zoning Ordinance.
3. The height of existing or any future canopies covering fuel pump islands shall not increase.
4. Any existing or future diesel fuel pumps must be located at an indentation of at least eight feet from the south-north outer edge of a canopy, underneath a canopy.
5. Two double-faced signs with a height of eight feet and a face size of 24 inches by 30 inches shall be erected on the property with the text "No Trucks" or shall show the universal symbol for no trucks as displayed in the ordinance, at locations indicated on Exhibit A of the ordinance.
6. Concrete wheel stops shall be placed on the north end of the parking spaces located between the building and the Northwest Drive right-of-way to prevent traffic from traversing through the site in front of the building.

And to approve Ordinance No. 3988, 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 AN AMENDMENT TO ORDINANCE NO. 2506 ON PROPERTY ZONED PLANNED DEVELOPMENT – SERVICE STATION THEREBY ALLOWING THE SALE OF DIESEL FUEL FOR DOMESTIC HOUSEHOLD VEHICLES ONLY SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO

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THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Forsythe, Monaco, Roberts, Pickett

Nays: Tarpley

Motion carried. (Ordinance No. 3988 recorded on page of Ordinance Book No. 91.)

16. PUBLIC HEARING – ZONING – APPLICATION NO. SK-6 FOR A CONDITIONAL USE PERMIT ON PROPERTY PRESENTLY ZONED PLANNED DEVELOPMENT – GENERAL RETAIL TO ALLOW THE SALE OF USED MERCHANDISE AT 2033 MILITARY PARKWAY, SUITE 100A – DENIED.

A public hearing was held to consider Application No. SK-6 submitted by Maria Aranda for a Conditional Use Permit on property currently zoned Planned Development – General Retail on a 775-square-foot lease space to allow the sale of used merchandise. This property is further described as Skyline Retail, Block 1, Lot 33, located at 2033 Military Parkway, Suite 100A.

Jasmine Payne, daughter of Luis and Maria Aranda, 10231 Blackjack Oaks, Dallas, requested the Council reconsider the request denied by the Planning and Zoning Commission to approve a zoning change to allow the sale of used merchandise at this leased space. In addition to used merchandise, some new merchandise would be available for sale. Mr. Aranda stated that he would provide a combination of 50 percent new merchandise and 50 percent used merchandise, if allowed.

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

Mr. Pickett stated that the City Council and staff have worked diligently for more than a year on Project Renewal to revitalize businesses and neighborhoods and he could not support the request to sale used merchandise at this location.

Mr. Tarpley moved to deny Application No. SK-6 for a Conditional Use Permit to allow the sale of used merchandise at 2033 Military Parkway, Suite 100A. Motion was seconded by Mr. Noschese and approved unanimously.

17. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2008-6 AMENDING SECTION 2-700 OF THE MESQUITE ZONING ORDINANCE CREATING NEW REGULATIONS GOVERNING HOME OCCUPATIONS AND ADDING CERTAIN PROFESSIONAL SERVICES LICENSED OR REGISTERED BY THE STATE OF TEXAS AS PERMITTED USES – TABLED INDEFINITELY.

Mr. Noschese moved to table indefinitely consideration of Zoning Text Amendment No. 2008-6. Motion was seconded by Mr. Pickett and approved unanimously.

**OTHER BUSINESS.**

18. A. CONSIDERATION OF ORDINANCES RELATING TO THE 2008-09 BUDGET.

Mr. Tarpley stated that the budget for fiscal year 2008-09 was the most difficult budget for him to consider since serving on the City Council and many difficult decisions had to be made. The City of Mesquite, like cities throughout the State, is experiencing declining sales tax and property tax revenues while having to address aging infrastructure and the need to revitalize older neighborhoods and business centers. Mr. Tarpley stated that the proposed tax rate for 2008 would not include a tax increase, but would remain the same as the 2007 tax rate of \$0.64 per \$100 of assessed valuation. However, several programs and personnel were eliminated including the Senior Alert Program (one full-time position), Adult Literacy Program (one full-time, grant-funded position), Summer Track Program (no employees affected) and Youth Services Program (two full-time positions and one part-time position). The only additional staffing proposed for fiscal year 2008-09 included four police detention officers and two custodians needed for the new Police Facility which will open during the fiscal year.

Mr. Tarpley explained that the proposed 2008-09 budget cannot support merit increases for General Government employees and that only police officers and fire fighters who have not reached their maximum salary for their rank would receive merit increases on their anniversary dates. He expressed appreciation to all employees for their support of the proposed budget.

Mr. Tarpley moved to approve the following ordinances relating to the 2008-09 budget. Motion was seconded by Ms. Roberts and approved unanimously.

(1) ORDINANCE NO. 3989 – AN APPROPRIATION ORDINANCE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FUNDS FOR THE FISCAL YEAR 2008-09 BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE 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; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3989 recorded on page \_\_\_\_\_ of Ordinance Book No. 91.)

(2) ORDINANCE NO. 3990 – ADOPTING REVISIONS TO THE 2007-08 AMENDED BUDGET.



AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF 2007-08 APPROVED BY ORDINANCE NO. 3891 ON SEPTEMBER 18, 2007, AND LATER AMENDED BY ORDINANCE NO. 3957 ON MAY 19, 2008, BY APPROPRIATING THE NECESSARY FUNDS OUT OF THE GNERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATIONS 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. 3990 recorded on page of Ordinance Book No. 91.)

- (3) ORDINANCE NO. 3991 – DESIGNATING THE OFFICIAL POPULATION OF THE CITY OF MESQUITE, TEXAS, AS 137,539.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY AS OF OCTOBER 1, 2008; AND DECLARING AN EMERGENCY. (Ordinance No. 3991 recorded on page of Ordinance Book No. 91.)

- (4) ORDINANCE NO. 3992 – SETTING THE RESIDENTIAL SOLID WASTE RATE, EFFECTIVE OCTOBER 1, 2008.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MESQUITE BY DELETING THE SECOND PARAGRAPH OF SECTION 14-30 IN ITS ENTIRETY AND ADDING A NEW SECOND PARAGRAPH TO SECTION 14-30 THEREBY AMENDING THE RESIDENTIAL SOLID WASTE COLLECTION RATE; ESTABLISHING OCTOBER 1, 2008, AS THE DATE SUCH RATE BECOMES EFFECTIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3992 recorded on page of Ordinance Book No. 91.)

- (5) a. ORDINANCE NO. 3993 – SETTING WATER RATES, EFFECTIVE OCTOBER 1, 2008.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 16-1 IN ITS ENTIRETY AND ADDING A NEW SECTION 16-1 THEREBY AMENDING THE RATES CHARGED FOR SERVICES PROVIDED BY THE WATER DEPARTMENT OF THE CITY OF MESQUITE; ESTABLISHING OCTOBER 1, 2008, AS THE DATE SUCH RATES BECOME EFFECTIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3993 recorded on page of Ordinance Book No. 91.)

- b. ORDINANCE NO. 3994 – SETTING SEWER RATES, EFFECTIVE OCTOBER 1, 2008.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 16-59(a) IN ITS ENTIRETY AND ADDING A NEW SECTION 16-59(a) THEREBY AMENDING THE RATES CHARGED FOR SERVICES FURNISHED BY THE SANITARY SEWER SYSTEM OF THE CITY OF MESQUITE; ESTABLISHING OCTOBER 1, 2008, AS THE DATE SUCH RATES BECOME EFFECTIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3994 recorded on page \_\_\_\_\_ of Ordinance Book No. 91.)

- (6) ORDINANCE NO. 3995 – ADOPTING THE 2008-09 PAY PLANS, EFFECTIVE SEPTEMBER 20, 2008.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING REVISED PAY PLANS FOR CLASSIFIED, FIRE AND POLICE PERSONNEL, AND OTHER CLASSIFIED CITY EMPLOYEES WITH AN EFFECTIVE DATE OF SEPTEMBER 20, 2008; PROVIDING THAT THE CIVIL SERVICE CLASSIFICATIONS AND POSITIONS SET FORTH IN THE 2008-09 FISCAL YEAR BUDGET ARE HEREBY ESTABLISHED; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3995 recorded on page \_\_\_\_\_ of Ordinance Book No. 91.)

- B. ORDINANCE NO. 3996 – AMENDING THE SCHEDULE OF FEES FOR VARIOUS PARKS AND RECREATION SERVICES, EFFECTIVE OCTOBER 1, 2008.

Mr. Noschese moved to approve Ordinance No. 3996, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE CURRENT SCHEDULE OF CHARGES FOR VARIOUS PARKS AND RECREATION SERVICES TO BE EFFECTIVE ON AND AFTER OCTOBER 1, 2008, REPEALING ORDINANCE NO. 3832; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Tarpley and approved by all voting “Aye.” (Ordinance No. 3996 recorded on page \_\_\_\_\_ of Ordinance Book No. 91.)

- C. ORDINANCE NO. 3997 – LEVYING THE AD VALOREM TAXES FOR THE YEAR 2008.

Mr. Pickett moved to approve Ordinance No. 3997 levying the 2008 ad valorem tax rate at \$0.64 per \$100.00 assessed valuation, the same tax rate as levied for the year 2007, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2008 AT A RATE OF \$0.64 PER \$100.00 ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE AS OF JANUARY 1, 2008, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR PLACE OF PAYMENT; APPROVING THE 2008 TAX ROLLS AND ANY SUPPLEMENT

THERE TO; PROVIDING CERTAIN EXEMPTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Ms. Roberts and approved by all voting "Aye." (Ordinance No. 3997 recorded on page of Ordinance Book No. 91.)

- D. AMENDMENT NOS. 1 THROUGH 7 TO THE 2007-08 POLICE SEIZURE BUDGET IN COMPLIANCE WITH CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE IN THE AMOUNT OF \$374,631.00 – APPROVED.

Ms. Roberts moved to approve Amendment Nos. 1 through 7 to the 2007-08 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$374,631.00. Motion was seconded by Mr. Forsythe and approved unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS.**

19. APPOINTMENT OF FIVE REGULAR MEMBERS TO THE PLANNING AND ZONING COMMISSION/CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AND ONE MEMBER TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR TERMS TO EXPIRE SEPTEMBER 30, 2010.

Mr. Pickett moved to reappoint Jane Ann Cruce, Place 4 and Richard Allen, Place 6, as regular members of the Planning and Zoning Commission/Capital Improvements Advisory Committee, to change the appointment of Jack Akin from an alternate member of the Planning and Zoning Commission/Capital Improvements Advisory Committee to a regular member, Place 2 and to reappoint Tony Franklin as a member of the Capital Improvements Advisory Committee, all for terms to expire September 30, 2010. Motion was seconded by Ms. Roberts and approved unanimously.

20. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE JANUARY 1, 2010.

Ms. Roberts moved to appoint Duddly Hargrove as a alternate member to the Board of Adjustment for a term to expire January 1, 2010. Motion was seconded by Mr. Pickett and approved unanimously.

21. APPOINTMENT OF ONE MEMBER TO THE MESQUITE QUALITY OF LIFE CORPORATION BOARD OF DIRECTORS FOR A TERM TO EXPIRE AUGUST 19, 2009.

Mr. Noschese moved to appoint Bill Avera as a member of the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2009. Motion was seconded by Mr. Tarpley and approved unanimously.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:53 P.M.**

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider purchase, exchange, lease or value of real property (acquisition of property adjacent to 300 West Kearney Street); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 3:56 p.m., the City Council reconvened in Open Session.

The meeting adjourned at 4:00 p.m.

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Judy Womack  
City Secretary

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John Monaco  
Mayor