

MINUTES OF WORK SESSION AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M., NOVEMBER 5, 2007, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor Pro Tem David Paschall and Councilmembers John Heiman, John Monaco, Dennis Tarpley, Stan Pickett and Shirley Roberts, City Manager Ted Barron and City Secretary Judy Womack.

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 11:30 A.M.

The City Council met in the City Council Conference Room beginning at 11:30 a.m., to discuss the items on the Work and Regular Agenda and discuss: (1) proposed amendments to Section 10-127 of the City Code regarding the condition of premises, (2) proposed amendments to Section 5-468 of the City Code regarding the Rental Certificate-of-Occupancy Program and (3) proposed intersections for installation of Automated Traffic Enforcement System equipment.

WORK SESSION – CITY COUNCIL CHAMBER – 1:05 P.M.

C. BRIEFING FROM BURSON-MARSTELLER REGARDING A STRATEGIC MARKETING PLAN – RECEIVED.

This item was taken out of order.

Carol Zolnerowich, Deputy City Manager, explained that the following presentation is a culmination of months of research which has resulted in a community marketing plan utilizing the combined resources of the City of Mesquite and the Mesquite Independent School District (MISD). Ms. Zolernowich introduced James Florez and Michelle Bleiberg representing Burson-Marsteller.

Mr. Florez stated that Burson-Marsteller worked with City and MISD staff to compile a strategic community marketing plan referred to as Real. Texas. Turn Around. Research has proven that: (1) residents and businesses are leaving Mesquite; (2) the influx of new arrivals is challenging residents' views of the City; (3) a misperception exists that Mesquite is a redneck, rodeo town; (4) Mesquite is a working town with starter homes versus aspirational housing; (5) there is a lack of executive housing, higher-end retail/restaurants and entertainment options and (6) the City must attract new development or a marketing campaign is inconsequential.

Mr. Florez stated that a proactive image campaign must be launched to educate the public and the media about the aggressive collaborative effort between Mesquite's public and private sectors to reinvigorate the City's community and economy. Campaign elements should include message development, media relations, tourism, economic development, Web site development, City ambassadors and a speakers bureau. Mr. Florez explained that the City must leverage its assets such as good schools, safe neighborhoods, family-friendly atmosphere, convenient location with access to several major thoroughfares and emerging upscale/executive housing. The long-term goals for this program are to: (1) reinforce a sense of pride about Mesquite among those who live and work here; (2) educate and excite community members about the City and its plans; (3) attract development to the City and (4) entice families and businesses to relocate to Mesquite.

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Mr. Florez suggested an important step in the strategic marketing plan process will be to reinforce a sense of pride in the people who live and work in the City. Residents and business owners can be effective ambassadors in the effort to educate the community regarding this new image campaign and vision for the City. Mr. Florez stated that with a limited budget it will be important for the City to actively communicate its new vision to the community and to include the City's brand in every aspect of its marketing campaign. Utilizing the media will be a vital method of communicating locally, regionally, statewide and nationally. Also, he suggested development of a "tool kit" to assist the economic development staff in getting the message out that Mesquite is the place to be.

Mr. Florez recommended building a comprehensive Web-based tool featuring two targeted Web sites - one to feature economic development issues such as business recruitment, workforce profiles, incentives, archived video and a property-search database and a second residential-based Web site to feature a vision/branding campaign including "What's best about Mesquite."

Mr. Florez suggested that marketing efforts be consolidated under the direction of the City with assets being utilized from MISD and the Mesquite Chamber of Commerce. A kick-off campaign featuring a major news conference could be scheduled for late 2007 or early 2008.

Mr. Paschall recognized representatives from other organizations who will play a vital role in the City marketing campaign including Terry McCullar, President of the Mesquite Chamber of Commerce; Judy Skowron, Director of the Convention and Visitors Bureau; Mark Miller, General Manager of the Mesquite Championship Rodeo and Laura Jobe, Administrative Officer of Communications with MISD.

Councilmembers expressed support for the strategic marketing plan.

A brief recess was taken.

A. MONTHLY FINANCIAL REPORT FOR AUGUST 2007 – RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for August 2007.

B. INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2007 – RECEIVED.

Don Simons, Director of Finance, presented the Investment Report for the quarter ending September 30, 2007.

The Work Session ended at 1:50 p.m.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:05 P.M.

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

The Pledge of Allegiance was led by Jocelyn Cortez, Christopher Shepard, Colby Liller and Mylinn Yeefoon, fourth grade students from Florence Black Elementary School.

CITIZENS FORUM.

(1) Nora Czigan, 5817 Overlook Drive, Dallas, Texas, representing the Sierra Club, presented information regarding the nationwide Cool City initiative. Mr. Heiman suggested she contact John Tatum who serves as Chairman of the Transportation Air Quality Sub-Committee at North Central Texas Council of Governments.

(2) Sue Ann Mackey, 402 South Walker Street, spoke in opposition of the two Local Option Election propositions on the November, 6, 2007, ballot.

ELECTION AND INSTALLATION OF MAYOR.

1. A. ELECT COUNCILMEMBER JOHN MONACO AS MAYOR TO FILL THE VACANCY CREATED BY THE RESIGNATION OF FORMER MAYOR MIKE ANDERSON ON AUGUST 20, 2007, TO SERVE IN SUCH CAPACITY UNTIL THE NEXT MUNICIPAL ELECTION SCHEDULED TO BE HELD MAY 10, 2008, IN ACCORDANCE WITH ARTICLE IV, SECTION 10 OF THE CITY CHARTER.

Mr. Pickett moved to elect Deputy Mayor Pro Tem John Monaco as Mayor to fill the vacancy created by the resignation of former Mayor Mike Anderson on August 20, 2007, to serve in such capacity until the next municipal election scheduled to be held May 10, 2008, in accordance with Article IV, Section 10 of the City Charter. Motion was seconded by Ms. Roberts and approved unanimously.

- B. ADMINISTER OATH OF OFFICE TO MAYOR JOHN MONACO.

City Secretary Judy Womack administered the Oath of Office to Mayor John Monaco.

A brief recess was taken.

Mayor Monaco took his respective seat and presided over the remainder of the meeting.

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 OCTOBER 15, 2007.

3. ORDINANCE NO. 3907 – AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MESQUITE ESTABLISHING THE AUTHORIZATION AND USE OF THE CITY LOGO.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW SECTION 2-4 ENTITLED CITY LOGO, ESTABLISHING THE AUTHORIZATION, AND USE OF THE CITY LOGO; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3907 recorded on page of Ordinance Book No. 88.)

4. RESOLUTION NO. 50-2007 – SUPPORTING AND ACKNOWLEDGING THE CITY’S HOMELAND SECURITY GRANT PROGRAM AWARD IN THE AMOUNT OF \$723,392.00 AND AUTHORIZING THE FIRE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL SUBORDINATING DOCUMENTS ASSOCIATED WITH THE GRANT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING AND ACKNOWLEDGING THE CITY OF MESQUITE’S GRANT AWARD IN THE AMOUNT OF \$723,392.00 FOR THE 2007 HOMELAND SECURITY GRANT PROGRAM; AND AUTHORIZING THE FIRE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL SUBORDINATE DOCUMENTS ASSOCIATED WITH THIS GRANT. (Resolution No. 50-2007 recorded on page of Resolution Book No. 40.)

5. BID NO. I098-2007 – ANNUAL CONTRACT FOR THE SALE AND RELOCATION OF BALLED AND BURLAPED TREES FROM THE CITY OF MESQUITE’S TREE FARMS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH FANNIN TREE FARM IN THE AMOUNT OF \$67,880.00.
6. BID NO. 2008-003 – ANNUAL SUPPLEMENTAL LITTER CONTROL ON THE TXDOT CORRIDOR MAINTENANCE AREAS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER 4D PROPERTY MAINTENANCE IN THE AMOUNT OF \$134,840.60.
7. BID NO. 2008-011 – ANNUAL SUPPLY OF GARBAGE CAN LINERS – AWARDED TO LOW BIDDER CENTRAL POLY CORPORATION IN THE AMOUNT OF \$173,408.40.
8. BID NO. 2008-024 – PURCHASE OF WATER MAIN SUPPLIES AND ACCESSORIES FOR VARIOUS STREET LOCATIONS – AWARDED TO LOW BIDDER MUNICIPAL WATER WORKS SUPPLY, L.P., IN THE AMOUNT OF \$74,442.00.

9. BID NO. 2008-036 – FIVE 4-DOOR SEDANS – AWARDED TO CALDWELL COUNTRY CHEVROLET IN CALDWELL, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$83,180.00.
10. BID NO. 2008-039 – 14-FOOT EXTENDIBLE BACKHOE AND LOADER – AWARDED TO LANDMARK EQUIPMENT COMPANY IN IRVING, TEXAS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT OF \$58,839.55.
11. CITY MANAGER AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, FOR PARTICIPATION IN THE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP).

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

12. PUBLIC HEARING – ZONING – APPLICATION NO. 2007-7 AND ORDINANCE NO. 3908 AMENDING THE MESQUITE ZONING ORDINANCE ESTABLISHING A QUORUM AND ADDING A PROVISION FOR TRAINING FOR THE PLANNING AND ZONING COMMISSION – APPROVED.

A public hearing was held to consider Application No. 2007-7 and an ordinance amending the Mesquite Zoning Ordinance establishing a quorum and adding a provision for training for the Planning and Zoning Commission.

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

Mr. Pickett moved to approve Application No. 2007-7 amending the Mesquite Zoning Ordinance establishing a quorum and adding a provision for training for the Planning and Zoning Commission, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 3908, 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 DELETING SECTION 5-401(C)(3) IN ITS ENTIRETY AND ADDING NEW SECTIONS 5-401(C)(3) AND 5-401(C)(7); THEREBY LOWERING THE NUMBER OF MEMBERS REQUIRED FOR A QUORUM AND ADDING A PROVISION ON TRAINING AND COMPETENCY FOR PLANNING AND ZONING COMMISSION MEMBERS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Roberts and approved by all voting “Aye.” (Ordinance No. 3908 recorded on page of Ordinance Book No. 88.)

13. PUBLIC HEARING – ZONING – APPLICATION NO. 1059-62 SUBMITTED BY EDG ARCHITECTS ON BEHALF OF ROYAL CAR WASH AND LUBE AND ORDINANCE NO. 3909 AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 2346 ON PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT – SERVICE STATION TO PLANNED DEVELOPMENT – COMMERCIAL TO ALLOW THE PROPERTY TO BE USED FOR A CAR WASH AND AUTOMOBILE QUICK LUBE BUSINESS AT 1511 NORTH TOWN EAST BOULEVARD – APPROVED.

A public hearing was held to consider Application No. 1059-62 submitted by EDG Architects on behalf of Royal Car Wash and Lube and an ordinance amending Planned Development Ordinance No. 2346 on property currently zoned Planned Development – Service Station to Planned Development – Commercial to allow the property to be used for a car wash and automobile quick lube business in addition to other uses allowed in the Commercial District on Block A, Lot 4, The Emporium, Phase 1. This property is further described as a 0.94-acre tract located at 1511 North Town East Boulevard.

Vincent Jarrard, EDG Architects, representing Royal Car Wash and Lube, presented the zoning application. He stated that his client is proposing to remove the gasoline pumps from the site, to construct an additional building to be utilized as an automobile quick lube facility and provide additional landscaping.

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

Mr. Roberts moved to approve Application No. 1059-62 submitted by EDG Architects on behalf of Royal Car Wash and Lube amending Planned Development Ordinance No. 2346, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Permitted uses shall be as provided in the Commercial Zoning District and TERRA Overlay.
2. Development of the site shall be consistent with the site plan as submitted to the Planning Division on September 5, 2007, including landscaping and elevations.
3. No new pole signs shall be permitted.

And to approve Ordinance No. 3909, 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 – SERVICE STATION TO PLANNED DEVELOPMENT – COMMERCIAL 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 THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Tarpley and approved by all voting “Aye.” (Ordinance No. 3909 recorded on page of Ordinance Book No. 88.)

14. A. PUBLIC HEARING – ZONING – ORDINANCE NO. 3910 AMENDING THE COMPREHENSIVE PLAN TO CREATE AND MODIFY NEIGHBORHOOD-RELATED LAND USE AND DEVELOPMENT POLICIES – APPROVED.

Richard Gertson, Director of Community Development, addressed the three elements of this agenda item. First, several months ago the City Council approved the Truman Heights Neighborhood Plan with one of its highest priorities to develop a plan for the redevelopment and preservation of this neighborhood. He stated that the proposed amendment to the Comprehensive Plan addresses revitalization in established neighborhoods. As the second element, the proposed text amendment to the Mesquite Zoning Ordinance will create a new zoning district to be known as the Truman Heights Neighborhood District. If approved, it will replace all of the current zoning within the boundaries of the Truman Heights revitalization area. The proposed text amendment includes incorporation of the Truman Heights Revitalization Code which is a form-based code that will be the first of its kind in Mesquite. The Code consists of the method in which properties are developed and buildings are constructed to create a pedestrian-oriented environment for the neighborhood. There are also new protections to make sure any in-fill development complements the character of the existing residential structures. The third element is the actual rezoning for the new Truman Heights Neighborhood District. The proposed rezoning includes all properties with frontage on the southwest right-of-way line of North Galloway Avenue from U.S. Highway 80 to and including the south corner of the intersection of North Galloway Avenue and Hillcrest Street, inclusive of all tracts abutting such properties that are currently used for non-residential purposes and all properties within Census Tract 177.02, Block Group 3.

Ella Cook-Rodriguez, 1949 Hillview Drive, and Martha Gibson, 2012 Hillview Drive, expressed support for the proposed zoning change.

Herman Finley, 309 Riggs Circle, expressed opposition to the proposed zoning change and specifically requested exempting the U.S. Highway 80 frontage road from the Truman Heights Neighborhood Plan.

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

Mr. Paschall expressed appreciation to staff members for their work on this plan and supported the revitalization of the Truman Heights neighborhood.

Mr. Paschall moved to approve Ordinance No. 3910, 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 AMENDING PART IV OF THE MESQUITE COMPREHENSIVE PLAN THEREBY MODIFYING POLICIES PERTAINING TO NEIGHBORHOOD REVITALIZATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Heiman and approved by all voting "Aye." (Ordinance No. 3910 recorded on page of Ordinance Book No. 88.)

- B. PUBLIC HEARING – ZONING – APPLICATION NO. 2007-6 AND ORDINANCE NO. 3911 AMENDING THE ZONING ORDINANCE BY CREATING A NEW CLASSIFICATION TO BE KNOWN AS THE TRUMAN HEIGHTS NEIGHBORHOOD DISTRICT (THN) – APPROVED.

Comments made during the public hearing are shown with Agenda Item No. 14A.

Mr. Paschall moved to approve Application No. 2007-6 amending the Zoning Ordinance by creating a new zoning classification to be known as the Truman Heights Neighborhood District (THN) and approve Ordinance No. 3911, 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 DELETING SECTION 4-100 IN ITS ENTIRETY AND ADDING NEW SECTIONS 4-100 AND 4-1000; THEREBY AMENDING THE PLANNED DEVELOPMENT DISTRICT REGULATIONS; 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. Tarpley and approved by all voting “Aye.” (Ordinance No. 3911 recorded on page of Ordinance Book No. 88.)

- C. PUBLIC HEARING – ZONING – APPLICATION NOS. 486-17, 1256-7 AND 1462-253 AND ORDINANCE NO. 3912 REZONING ALL PROPERTIES WITH FRONTAGE ON THE SOUTHWEST RIGHT-OF-WAY LINE OF NORTH GALLOWAY AVENUE FROM U.S. HIGHWAY 80 TO AND INCLUDING THE SOUTH CORNER OF THE INTERSECTION OF NORTH GALLOWAY AVENUE AND HILLCREST STREET, INCLUSIVE OF ALL TRACTS ABUTTING SUCH PROPERTIES THAT ARE CURRENTLY USED FOR NON-RESIDENTIAL PURPOSES AND ALL PROPERTIES WITHIN CENSUS TRACT 177.02, BLOCK GROUP 3 – APPROVED.

Comments made during the public hearing are shown with Agenda Item No. 14A.

Mr. Paschall moved to approve Application Nos. 486-17, 1256-7 and 1462-253 rezoning all properties with frontage on the southwest right-of-way line of North Galloway Avenue from U.S. Highway 80 to and including the south corner of the intersection of North Galloway Avenue and Hillcrest Street, inclusive of all tracts abutting such properties that are currently used for non-residential purposes and all properties within Census Tract 177.02, Block Group 3 and approve Ordinance No. 3912, 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 IN THE TRUMAN HEIGHTS NEIGHBORHOOD AND ITS ADJACENT COMMERCIAL CORRIDOR FROM THEIR PRESENT ZONING CLASSIFICATIONS TO THE NEW TRUMAN HEIGHTS NEIGHBORHOOD DISTRICT; 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. 3912 recorded on page _____ of Ordinance Book No. 88.)

APPOINTMENTS TO BOARDS AND COMMISSIONS.

15. APPOINTMENT OF A DEPUTY MAYOR PRO TEM TO SERVE UNTIL THE MAY 10, 2008, MUNICIPAL ELECTION.

Mr. Tarpley moved to appoint Ms. Roberts as Deputy Mayor Pro Tem to serve until the May 10, 2008, municipal election. Motion was seconded by Mr. Heiman and approved unanimously.

16. APPOINTMENT OF ONE MEMBER TO THE PERSONNEL/TRIAL BOARD FOR A TERM TO EXPIRE NOVEMBER 7, 2010, WHO WILL ALSO SERVE ON THE CIVIL SERVICE COMMISSION..

Mr. Pickett moved to reappoint Ray Stuart as a member of the Personnel/Trial Board for a term to expire November 7, 2010, who will also serve on the Civil Service Commission pursuant to reappointment by the City Manager. Motion was seconded by Mr. Tarpley and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 4:00 p.m.

Judy Womack
City Secretary

John Monaco
Mayor