

MINUTES OF CANVASS OF SPECIAL ELECTION/LOCAL OPTION ELECTION AND
REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:00 A.M., NOVEMBER 19,
2007, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

**CANVASS OF SPECIAL ELECTION/LOCAL OPTION ELECTION – CITY COUNCIL
CHAMBER – 11:04 A.M.**

1. CANVASS RESULTS OF SPECIAL ELECTION/LOCAL OPTION ELECTION
HELD NOVEMBER 6, 2007, FOR THE PURPOSE OF DETERMINING WHETHER
TO LEGALIZE THE FOLLOWING: (1) THE LEGAL SALE OF MIXED
BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE
HOLDERS ONLY AND (2) THE LEGAL SALE OF BEER AND WINE FOR OFF-
PREMISE CONSUMPTION ONLY.

Judy Womack, City Secretary, read the results of the Special Election/Local Option
Election held November 6, 2007, according to the canvass reports supplied by the Dallas County and
Kaufman County Elections Departments, for the purpose of determining whether to legalize the
following: (1) the legal sale of mixed beverages in restaurants by food and beverage certificate holders
only and (2) the legal sale of beer and wine for off-premise consumption only.

2. RESOLUTION NO. 51-2007 – DECLARING RESULTS OF THE NOVEMBER 6,
2007, SPECIAL ELECTION/LOCAL OPTION ELECTION – APPROVED.

Mr. Heiman moved to approve Resolution No. 51-2007, A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CANVASSING THE RETURNS AND
DECLARING THE RESULTS OF A SPECIAL ELECTION/LOCAL OPTION ELECTION HELD IN
THE CITY OF MESQUITE, TEXAS, ON NOVEMBER 6, 2007, FOR THE PURPOSE OF
DETERMINING WHETHER TO LEGALIZE THE FOLLOWING: (1) THE LEGAL SALE OF
MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE
HOLDERS ONLY AND (2) THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE
CONSUMPTION ONLY; AND DECLARING AN EFFECTIVE DATE THEREOF.

NUMBER OF VOTES CAST FOR PROPOSITION NO. 1:

The legal sale of mixed beverages in restaurants by food and beverage certificate holders only.

	NO. OF VOTES: <u>DALLAS COUNTY</u>	NO. OF VOTES: <u>KAUFMAN COUNTY</u>	NO. OF VOTES: <u>DALLAS/KAUFMAN COUNTIES</u>
FOR:	7,234	1	7,235

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AGAINST: 4,859 7 4,866

NUMBER OF VOTES CAST FOR PROPOSITION NO. 2:

The legal sale of beer and wine for off-premise consumption only.

	<u>NO. OF VOTES: DALLAS COUNTY</u>	<u>NO. OF VOTES: KAUFMAN COUNTY</u>	<u>NO. OF VOTES: DALLAS/KAUFMAN COUNTIES</u>
FOR:	5,679	1	5,680
AGAINST:	6,475	7	6,482

Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Resolution No. 51-2007 recorded on page of Resolution Book No. 40.)

The Canvass of Special Election/Local Option Election adjourned at 11:10 a.m.

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 11:15 A.M.

Mayor Monaco announced that the City Council would meet in the City Council Conference Room beginning at 11:15 a.m., to discuss the items on the Regular Agenda and discuss: (1) status of the implementation initiatives for the Downtown Enhancement Plan, (2) parking options for Front Street, (3) possible repeal of certain zoning overlay districts, (4) request from Avex Property Development for consent to a fresh water supply district in the City's extraterritorial jurisdiction, (5) charges for producing records and (6) appointing members to the Regional Outer Loop/Rail Bypass Stakeholder Roundtable; whereupon, the City Council proceeded to meet in the City Council Conference Room.

(6) The Council appointed Councilmember John Heiman to serve on the North Central Texas Council of Government's Roundtable as the City's elected representative and Assistant Director of Public Works Jerry Dittman as the City's technical representative.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:33 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding a business prospect or project (business seeking to expand in the I-30 industrial area); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 12:52 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:03 P.M.

Invocation was given by Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

The Pledge of Allegiance was led by Hunter Foster, Julie Butcher, Kori Sinyard, Arnie Martinez and Tyler Talley, fourth grade students from Beasley Elementary School.

SPECIAL ANNOUNCEMENT.

Former mayor Mike Anderson presented a Certificate of Election to Mayor John Monaco.

PRESENTATION OF CERTIFICATE.

1. **CERTIFICATE OF ELECTION PRESENTED TO MAYOR JOHN MONACO.**

During Special Announcements, former mayor Mike Anderson presented a Certificate of Election to Mayor John Monaco.

CONSENT AGENDA.

Mr. Tarpley moved to approve the 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 NOVEMBER 5, 2007.**

3. **ORDINANCE NO. 3913 – AMENDING SECTIONS 10-127, 10-128 AND SECTIONS 10-130 THROUGH 10-133 OF THE CITY CODE REGARDING CONDITION OF PREMISES AND NOTICE REQUIREMENTS.**

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 10-127, 101-128 AND SECTIONS 10-130 THROUGH 10-133 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 10-127, 10-128 AND SECTIONS 10-130 THROUGH 10-133 THEREBY AMENDING CERTAIN REGULATIONS AND NOTICE PROVISIONS RELATING TO THE CONDITION OF PREMISES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3913 recorded on page of Ordinance Book No. 88.)

4. **AN ORDINANCE, ON FIRST READING, GRANTING A GAS FRANCHISE TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION.**

5. RESOLUTION NO. 52-2007 – CASTING A VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CASTING ITS VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT. (Resolution No. 52-2007 recorded on page of Resolution Book No. 40.)

6. BID NO. 2008-010 – ANNUAL SUPPLY OF POLICE OFFICER UNIFORMS – AWARDED TO UNIFORMS, INC., IN THE AMOUNT OF \$92,410.07.
7. BID NO. 2008-041 – EIGHT ½-TON PICKUPS – AWARDED TO CALDWELL COUNTRY CHEVROLET IN CALDWELL, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$150,011.00.
8. CITY MANAGER AUTHORIZED TO EXECUTE AN ENGINEERING DESIGN SERVICES CONTRACT WITH GRANTHAM & ASSOCIATES, INC., IN CONJUNCTION WITH PHASES 2 AND 3 OF THE EDMONT PARK ADDITION WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$122,085.00.
9. CITY MANAGER AUTHORIZED TO EXECUTE AN ENGINEERING DESIGN SERVICES CONTRACT WITH WILSON & COMPANY IN CONJUNCTION WITH THE DRIFTWOOD DRIVE EXTENSION PROJECT IN THE AMOUNT OF \$127,936.00.
10. CITY MANAGER AUTHORIZED TO EXECUTE AN ENGINEERING SERVICES CONTRACT WITH LAM CONSULTING ENGINEERING FOR PRIVATE DEVELOPMENT PLAN REVIEW FROM NOVEMBER 2007 TO AUGUST 2008 IN AN AMOUNT NOT TO EXCEED \$75,000.00.
11. CITY MANAGER AUTHORIZED TO EXECUTE THE DOCUMENTS NECESSARY TO ACCEPT A TWO-YEAR RATE GUARANTEE AGREEMENT WITH UNUM LIFE INSURANCE COMPANY TO PROVIDE EMPLOYEE AND DEPENDENT LIFE INSURANCE AND TO ACCEPT A NEW TWO-YEAR RATE GUARANTEE AGREEMENT WITH UNUM TO CONTINUE TO OFFER LONG-TERM DISABILITY TO CITY OF MESQUITE EMPLOYEES, BOTH TO BE EFFECTIVE JANUARY 1, 2008.
12. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE2007-002, US 80 AT SOUTH PARKWAY AND STREAM 2B6 WATER AND SANITARY SEWER MAIN RELOCATION PROJECT - \$19,576.00.)

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

13. A. PUBLIC HEARING – ZONING – AMENDING THE COMPREHENSIVE PLAN TO MODIFY THE AREAS DESIGNATED AS APPROPRIATE FOR NEIGHBORHOOD CONVENIENCE RETAIL SERVICES – WITHDRAWN BY STAFF.

A public hearing was scheduled to be held to consider amending the Comprehensive Plan to modify the areas designated as appropriate for neighborhood convenience retail services. This item was withdrawn by staff.

- B. PUBLIC HEARING – ZONING – APPLICATION NO. 2007-8 AND ORDINANCE NO. 3914 AMENDING THE ZONING ORDINANCE BY CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE SHERWOOD FOREST OVERLAY DISTRICT (SF) – APPROVED.

Ms. Roberts abstained from discussion regarding this item and left the meeting.

A public hearing was held to consider Application No. 2007-8 and an ordinance amending the Zoning Ordinance by creating a new zoning classification to be known as the Sherwood Forest Overlay District (SF), which shall contain new or amended standards for site design and regulations affecting building design, setbacks, parking, signage, landscaping and permitted uses, and affecting all properties within Census Tract 176.03, Block Group 2, which is bounded by Scyene Road to the north, Peachtree Road to the east, West Bruton Road to the south and South Sam Houston Road to the west.

Richard Gertson, Director of Community Development, stated that the Sherwood Forest neighborhood is one of the four target neighborhoods identified by Council and staff. City staff has met with the residents of the Sherwood Forest neighborhood at seven public meetings over the last two years to receive their input regarding the area's revitalization. If approved, the proposed overlay district will modify several of the underlying zoning regulations, but only as they pertain to the Sherwood Forest neighborhood. The district implements several strategies in the Sherwood Forest Neighborhood Plan such as: (1) the minimum living area for homes is increased from 1,500 to 1,700 square feet; (2) new residential construction may use cementitious-fiberboard such as Hardiplank as an alternative to masonry; (3) design standards in an obsolete, undeveloped Planned Development district west of Lorraine Lane are modified to conform to the rest of the neighborhood; (4) the permitted uses in commercial districts along Scyene Road are generally restricted to uses that provide convenient retail and service uses for the neighborhood and (5) on residential tracts deeper than 250 feet, the number of vehicles or equipment that may be parked on an improved surface in the rear yard is increased from two to four.

Mr. Gertson confirmed that these strategies only apply to the Sherwood Forest neighborhood and parking vehicles in the back yard on an improved surface only applies to lots that are a minimum of 250 feet deep. He explained that this was the highest-ranked strategy in the Sherwood Forest neighborhood plan.

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

Mr. Pickett moved to approve Application No. 2007-8 amending the Zoning Ordinance by creating a new zoning classification to be known as the Sherwood Forest Overlay District (SF), as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 3914, 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 ADDING A NEW SECTION 4-950 THEREBY CREATING THE SHERWOOD FOREST OVERLAY 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. Heiman. On call for a vote on the motion, the following votes were cast:

Ayes:	Pickett, Heiman, Monaco, Paschall, Tarpley
Nays:	None
Abstention:	Roberts

Motion carried. (Ordinance No. 3914 recorded on page of Ordinance Book No. 88.)

14. PUBLIC HEARING – ZONING – APPLICATION NO. OT-73 SUBMITTED BY DAVID BELT FOR WHITE PROPERTIES FOR A ZONING CHANGE FROM R-3 SINGLE-FAMILY RESIDENTIAL TO MIXED USE ON THE SOUTH SIDE OF HOLLEY STREET BETWEEN BRYAN-BELT LINE ROAD AND CARVER STREET – COUNCIL REFERRED BACK TO THE PLANNING AND ZONING COMMISSION.

Ms. Roberts re-entered the meeting.

A public hearing was held to consider Application No. OT-73 submitted by David Belt for White Properties for a zoning change from R-3 Single-Family Residential to Mixed Use in part of Block 18, Original Town Mesquite, Abstract 1607. This property is further described as a 0.29-acre tract located on the south side of Holley Street between Bryan-Belt Line Road and Carver Street.

David Belt, representing White Properties, presented the zoning application. He stated that White Properties currently owns three lots they are currently trying to replat – Lots 1 and 2 located at 430 and 504 Bryan-Belt Line Road are zoned Mixed Use; however, Lot 5, an undeveloped lot adjoining the other two lots, has a combination of Mixed Use and R-3 Residential zoning. The proposed zoning application will change the residential portion of Lot 5 to Mixed Use to match the remainder of the lots being replatted. He stated that White Properties is in the process of selling all three lots to a current tenant, Metro Mechanical, who occupies the majority of the building at 504 Bryan-Belt Line Road.

Mr. Heiman suggested that all three lots be combined and replatted to enable the Council to consider the rezoning as a whole. He stated that the Council is concerned about the possibility of outdoor storage along Bryan-Belt Line Road.

Mr. Paschall expressed concern regarding outdoor storage along Bryan-Belt Line Road. He stated that with Mixed Use zoning, a limited amount of outdoor storage is allowed on the lots fronting Bryan-Belt Line Road as long as appropriate screening is in place. However, he expressed opposition to the use of chain-link fencing with slats along Bryan-Belt Line Road as is currently allowed.

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

Richard Gertson, Director of Community Development, stated that the replat is under review at this time, but the approval date is unknown; regardless, he stated that it is possible to present the three lots as a single zoning application at the December 17, 2007, City Council meeting.

Mr. Heiman expressed opposition to the proposed zoning change as it is presented due to the properties along Bryan-Belt Line Road being unprotected from outdoor storage restrictions.

Mr. Belt requested a letter from City staff explaining what is required in order to have the property rezoned. Mr. Gertson stated that he would provide the letter.

Bill White, 244 Riggs Circle, owner of White Properties, stated that he recently received a Certificate of Occupancy for a building that White Properties will be occupying on Bryan-Belt Line Road. He added that the Certificate of Occupancy specifically stated that outdoor storage would be prohibited and wondered if the Certificate of Occupancy for this application could address the question regarding outdoor storage.

Mr. Gertson explained that in any commercial district, including Mixed Use, incidental outdoor storage, or less than 50 percent, is allowed. The Certificate of Occupancy states that no outdoor storage will be allowed as the primary use. Even under those circumstances, it requires screening but only chain-link fencing with slats.

Mr. Heiman moved to remand this zoning application back to the Planning and Zoning Commission for reconsideration in order to consolidate the combination Mixed Use and residentially zoned lot with the two Mixed Use lots and allow Council to reconsider at a December meeting. Motion was seconded by Mr. Paschall and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

15. APPOINTMENT OF ONE MEMBER TO THE ANIMAL CONTROL ADVISORY COMMITTEE FOR A TERM TO EXPIRE SEPTEMBER 8, 2008.

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Mr. Paschall moved to appoint Cliff Keheley as a member of the Animal Control Advisory Committee for a term to expire September 8, 2008. Motion was seconded by Mr. Tarpley and approved unanimously.

16. APPOINTMENT OF THREE REGULAR MEMBERS TO THE MUNICIPAL LIBRARY ADVISORY BOARD FOR TERMS TO EXPIRE DECEMBER 4, 2009, AND TWO ALTERNATE MEMBERS FOR TERMS TO EXPIRE DECEMBER 4, 2008.

Mr. Tarpley moved to reappoint Mike Potter and Sandra Eckstein as regular members of the Municipal Library Advisory Board and to change the appointment of Sonya Hervey from an alternate member to a regular member, for terms to expire December 4, 2009, and to appoint Patricia Stone and Richard Larson as alternate members for terms to expire December 4, 2008. Motion was seconded by Ms. Roberts and approved unanimously.

17. APPOINTMENT OF TWO REPRESENTATIVES TO ATTEND THE JOINT CITY/SCHOOL TAX OFFICE ADVISORY BOARD MEETING ON DECEMBER 4, 2007, AT 10:30 A.M.

Mr. Pickett moved to appoint Councilmembers John Heiman and Shirley Roberts as representatives to attend the Joint City/School Tax Office Advisory Board meeting on December 4, 2007, at 10:30 a.m. Motion was seconded by Mr. Heiman and approved unanimously.

18. APPOINTMENT OF SIX MEMBERS TO THE CITIZEN ADVISORY COMMITTEE ON AUTOMATED TRAFFIC SIGNAL ENFORCEMENT.

Mr. Heiman moved to appoint six members to the Citizen Advisory Committee on Automated Traffic Signal Enforcement, each by a designated Councilmember, as follows: Mr. Heiman to appoint Jack Akin, Mayor Monaco to appoint Cindy Burkett, Mr. Paschall to appoint Lonnie Craine, Mr. Pickett to appoint Dianne Mendoza, Ms. Roberts to appoint Mike Travis and Mr. Tarpley to appoint Jennifer Vidler. Motion was seconded by Mr. Pickett and approved unanimously.

19. APPOINTMENT OF ONE RESERVE ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE OCTOBER 14, 2008.

Ms. Roberts moved to appoint Jack Akin as a reserve alternate member to the Board of Adjustment for a term to expire October 14, 2008. Motion was seconded by Mr. Tarpley and approved unanimously.

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

Judy Womack
City Secretary

John Monaco
Mayor