

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, OCTOBER 5, 2009, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Al Forsythe, Bill Porter, Stan Pickett, Shirley Roberts and Dennis Tarpley, City Manager Ted Barron and City Secretary Sonja Land.

**PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – NOON.**

The City Council met in the City Council Conference Room beginning at Noon to discuss the items on the Work and Regular Agenda and receive update regarding Environmental Code activity.

**WORK SESSION – CITY COUNCIL CHAMBER – 1:04 P.M.**

Work Session Item B was taken out of order.

B. ANNUAL REPORT FROM THE MESQUITE ARTS COUNCIL – RECEIVED.

Keith Singleton, Chairperson for the Mesquite Arts Council, introduced members of the Board of Directors – Judy Skowron, Diane Wright, Jeann Wisenbaker, Jim Watts, George Venner, Robert Bradford, Carol Zolnerowich and Managing Director Mike Templeton.

Mr. Singleton reviewed the activities at the Mesquite Arts Center for the period from October 1, 2008, through September 30, 2009, and summarized the variety of arts programming offered. In the past year, the Arts Center hosted 793 events serving 97,606 visitors. The importance of arts education is fundamental to the Arts Council's work. Several thousand Mesquite Independent School District (MISD) children are reached each year through the children's art and theater camps as well as the after-school creative writing programs. The Mesquite Arts Council continues to gain national recognition through the Public Art program with the latest project at the new City Hall. The City Council's investment in the Public Art program provides a significant visual component to Mesquite's Project Renewal.

Mr. Singleton stated that 53 percent of the Arts Council budget is derived from the City hotel/motel occupancy tax fund and the remaining 47 percent is derived from ticket sales, program income and grants from state and federal agencies.

Councilmembers expressed appreciation to the members of the Arts Council for their dedicated work and time contributed to making the Mesquite Arts Center an asset to the community.

A. MONTHLY FINANCIAL REPORT FOR AUGUST 2009 – RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for August 2009.

C. EXISTING TAX ABATEMENT AGREEMENTS AND OTHER ECONOMIC DEVELOPMENT AGREEMENTS – REVIEWED.

Tom Palmer, Manager of Economic Development, stated that the annual report includes tax abatement agreements and economic development agreements (Chapter 380 agreements). He presented an overview of the current tax abatement agreements and Chapter 380 agreements. He stated that the incentive policies approved by Council have effectively attracted businesses to Mesquite and have been utilized to encourage existing businesses to expand their facilities.

Mr. Palmer highlighted a few of the projects in the report and stated that Norkol Converting was attracted to the City by the incentive program and the company has expanded since locating in Mesquite. The agreement has been completed.

Mr. Palmer explained that Skyline Business Park Building No. IV is a multi-tenant building with additional incentives offered for maintaining 100 percent occupancy. Occupancy requirements were met and the incentive continued for an additional two-year period and the abatement has been fulfilled.

Mr. Palmer stated that the tax abatement agreement for Iris USA was the first agreement to include a clause regarding company expansion, which Iris USA met. As a result, Iris USA closed its facility in California which provided for expansion of the Mesquite facility; therefore, the tax abatement agreement was extended until 2012.

Mr. Palmer reported that U.S. Corrugated purchased Durango McKinley Container in 2008. Prior to the purchase, the City and Durango McKinley Container entered into an agreement to assist in the construction of a building to house a \$13 million corrugation machine and add additional jobs. The agreement has been completed.

Mr. Palmer stated that the Skyline Trade Center agreement is actually with the developer, Industrial Development International, located at Skyline Drive and Peachtree Road. The incentive rebates a portion of the roadway impact fees and is currently active.

Mr. Palmer explained that Midwest Air Technologies relocated from an area Metroplex city to Mesquite which was the single largest manufacturing lease relocation in North Texas in 2008.

Mr. Palmer stated that the Target Corporation's incentive was the key to Target expanding in Mesquite. SuperTarget is located in the Market East Shopping Center, which is owned by Sun Life of Canada. Sun Life of Canada entered into an economic development agreement with the City and is renovating Market East Shopping Center with completion scheduled for December 2009. The City has approved a site plan for two new junior anchors to be located on the former Mervyn's and Wickes Furniture site. Potential anchors have been reluctant to sign a long-term lease due to the economy and are awaiting the completion of the SuperTarget store, Market East Shopping Center renovations and the roadway construction improvements at IH 635 and Town East

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Boulevard. Mr. Palmer stated that Genghis Grill has recently announced the construction of a new restaurant in Mesquite which will occupy the former Bookstop store located at IH 635 and Town East Boulevard. He stated that if the restaurants that are due to open within the next few months meet their projected numbers, the City may be able to attract the next tier of restaurants.

Mr. Palmer reported that Pepsi Bottling of Mesquite had originally planned an 80,000-square-foot warehouse expansion. However, due to the City's incentive, Pepsi was able to add an additional 20,000 square feet to include a new bottling line that was planned at another Pepsi facility.

Mr. Palmer explained that the incentive with Camelot Sports and Entertainment, owners of the Mesquite Championship Rodeo, provides for arena and infrastructure improvements. The Rodeo is scheduled to open the Eight-Second Club in November 2009.

The Work Session ended at 1:37 p.m.

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

Invocation was given by Marsha Middleton, Pastor, First United Methodist Church, Mesquite, Texas.

The Pledge of Allegiance was led by recreation participants from Evans Senior Citizens Center.

### **SPECIAL ANNOUNCEMENTS.**

(1) Ms. Roberts thanked the Evans Senior Citizens Center participants for the cookbook presented to the Councilmembers.

(2) Ms. Roberts announced that Saturday, October 10, 2009, is the 5<sup>th</sup> Annual Addressing Mesquite Day event. Churches and volunteers throughout the community will be utilized to help the elderly and disabled with home improvements projects. Also, the Association of Realtors will partner with the Mesquite Fire Department to install smoke detectors in these homes. Mayor Monaco added that 700-800 volunteers and 65-70 homes will be involved in the 5<sup>th</sup> Annual Addressing Mesquite Day event.

### **SPECIAL RECOGNITION.**

1. PRESENTATION OF NATIONAL CODE COMPLIANCE MONTH PROCLAMATION TO THE CITY'S ENVIRONMENTAL CODE DIVISION.

Mayor Monaco presented employees from the City's Environmental Code Division with a proclamation in recognition of National Code Compliance month.

**PRESENTATION OF CERTIFICATE.**

2. CERTIFICATE OF ELECTION PRESENTED TO COUNCILMEMBER SHIRLEY ROBERTS, PLACE 4.

Mayor Monaco presented a Certificate of Election to Councilmember Shirley Roberts, Place 4.

**CONSENT AGENDA.**

Item No. 4B was removed from the Consent Agenda to be considered separately. Mr. Pickett moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Porter and approved unanimously.

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 21, 2009.
4. A. RESOLUTION NO. 34-2009 – ADOPTING GUIDELINES AND CRITERIA FOR EVALUATING REINVESTMENT ZONE APPLICATIONS AND TAX ABATEMENT AGREEMENTS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING PROCEDURAL GUIDELINES AND CRITERIA FOR EVALUATING REINVESTMENT ZONE APPLICATIONS; AND ESTABLISHING COMPREHENSIVE CRITERIA AND GUIDELINES GOVERNING TAX ABATEMENT AGREEMENTS. (Resolution No. 34-2009 recorded on page of Resolution Book No. 43.)

5. BID NO. 2009-103 – ANNUAL LANDSCAPE MAINTENANCE OF THE TXDOT IH 635/TOWN EAST BOULEVARD/TOWNE CENTRE INTERCHANGE – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH GREENER PASTURES LANDSCAPE, INC., IN THE AMOUNT OF \$83,942.83.
6. BID NO. 2009-108 – ANNUAL SUPPLY OF DUPLICATING PAPERS – AWARDED TO LOW BIDDER WESTERN PAPER COMPANY IN THE AMOUNT OF \$84,955.82.
7. BID NO. 2010-018 – PURCHASE OF 12 POLICE PURSUIT VEHICLES – AWARDED TO DALLAS DODGE IN DALLAS, TEXAS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$259,860.00.
8. BID NO. 2010-022 – PURCHASE OF ONE MOBILE HYDRAULIC HAMMER – AWARDED TO HI-WAY EQUIPMENT CO., IN HOUSTON, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$78,038.00.

9. CITY MANAGER AUTHORIZED TO EXECUTE A PARK USE PERMIT WITH OLD TOWN MESQUITE, INC., FOR THE 2009 PUMPKIN FEST TO BE HELD SATURDAY, OCTOBER 17, 2009, AT CITY LAKE PARK.
10. RATIFIED ACQUISITION OF PROPERTY FROM THE MESQUITE INDEPENDENT SCHOOL DISTRICT FOR THE DON ACHZIGER ELEMENTARY SCHOOL/PARK SITE IN THE AMOUNT OF \$313,393.28 AND AUTHORIZED THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS.
11. MAYOR AUTHORIZED TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT FOR PARTICIPATION IN THE DESIGN AND CONSTRUCTION OF PARK IMPROVEMENTS AT DON ACHZIGER ELEMENTARY SCHOOL PARK IN AN AMOUNT NOT TO EXCEED \$345,299.98.
12. 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).
13. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.  
(CE 2009-049, Asphalt Street Reconstruction Project (Lawson, Shannon and Lumley Road) – (\$290.74); CE 2009-069, South Mesquite Creek Sanitary Sewer Trunk Main, Phase 1 – (\$325.00); CE 29-9210, DeBusk Park Pedestrian Bridge Improvements – \$3,227.20; CE 2009-028, Driftwood Drive Extension Project – (\$1,117.00); CE 2009-069, South Mesquite Creek Sanitary Sewer Trunk Main, Phase 1 – \$18,118.00; CE 28-8350, Payroll Software System Upgrade – \$24,800.00; CEI018-2009, Annual Screening Wall Repair – \$1,124.79; CE I004-2009, Lone Star Sod LP – \$67.15; CE I118-2008, Annual Supply of Toro Mower Parts – \$1,515.90; CE I040-2009, Annual Supply of Truck and Trailer Springs New and Repaired – \$1,075.22; PO 900527, Camera System – DeBusk Kids Quest – \$1,530.00; and CE 2008-050, Annual Supply of HVAC Supplies - \$834.00.)

**CONSENT AGENDA ITEM CONSIDERED SEPARATELY.**

4. B. RESOLUTION NO. 35-2009 – ADOPTING GUIDELINES AND CRITERIA FOR GRANTING BUSINESS INCENTIVES AND CHAPTER 380 AGREEMENTS – APPROVED WITH A MODIFICATION.

Mr. Tarpley made a motion to approve Resolution No. 35-2009 modifying Exhibit “A” to the resolution by striking the word “land” in the first sentence of Section 2(f), A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING PROCEDURAL GUIDELINES AND CRITERIA FOR GRANTING BUSINESS INCENTIVES AND CHAPTER 380 AGREEMENTS IN THE CITY OF MESQUITE. Motion was seconded by Mr. Forsythe and approved by all voting “Aye.” (Resolution No. 35-2009 recorded on page                      of Resolution Book No. 43.)

**END OF CONSENT AGENDA.**

**PUBLIC HEARINGS.**

14. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH MESQUITE SPECIALTY HOSPITAL TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH PROPERTY LOCATED AT 1024 NORTH GALLOWAY AVENUE – HELD.

A public hearing was held to consider a program with Mesquite Specialty Hospital (MSH) to promote economic development and stimulate business and commercial activity in conjunction with property located at 1024 North Galloway Avenue.

Mr. Palmer introduced Brenda Antwine, CEO of MSH, which is a long-term acute care facility, and is owned by Ernest Health, Inc. Ms. Antwine stated that since opening in 2006 MSH has operated at 93 percent occupancy and treated 1,156 patients. She explained that MSH is proposing a 20-bed rehabilitation hospital expansion. The 17,000-square-foot facility will be an independent, free-standing building facing Belt Line Road, located directly behind MSH, and will operate as a separate hospital. The rehabilitation hospital will treat patients that have had strokes, brain injuries, orthopedic injuries or surgeries, spinal cord injuries, amputations and some neurological conditions. Most of the patients will be treated for an average of 15 days and 80 percent of the patients would go home after their treatment. The hospital will be offering out patient services for the rehabilitation hospital. The cost of the facility is approximately \$3.8 million, with \$750,000 in equipment. There will be 68 new full-time jobs created with the opening of the new facility.

No one appeared regarding a program with MSH to promote economic development and stimulate business and commercial activity in conjunction with property located at 1024 North Galloway Avenue. Mayor Monaco declared the public hearing closed.

- B. APPROVING THE TERMS AND CONDITIONS OF A PROGRAM (CHAPTER 380 AGREEMENT) WITH MESQUITE SPECIALTY HOSPITAL TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN CONJUNCTION WITH PROPERTY LOCATED AT 1024 NORTH GALLOWAY AVENUE – APPROVED WITH A MODIFICATION.

Mr. Pickett made a motion to approve the terms and conditions of a program with Mesquite Specialty Hospital to promote economic development and stimulate business and commercial activity in conjunction with property located at 1024 North Galloway Avenue modifying the agreement by changing the number of full-time jobs from 100 to 60 in Section 5(e). Motion was seconded by Ms. Roberts and approved unanimously.

15. PUBLIC HEARING – ZONING – APPLICATION NO. 1461-144-2009 SUBMITTED BY F. MICHAEL GRAVES AND ORDINANCE NO. 4069 FOR A ZONING CHANGE FROM LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT TO LIGHT COMMERCIAL WITH A REVISED CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF USED CARS, OR IN THE ALTERNATIVE TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF USED CARS AND MINIWAREHOUSES LOCATED AT 1919 OATES DRIVE – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held on September 21, 2009, to consider Application No. 1461-144-2009 submitted by F. Michael Graves for a zoning change from Light Commercial with a Conditional Use Permit to Light Commercial with a revised Conditional Use Permit to allow for the sale of used cars, or in the alternative to Commercial with a Conditional Use Permit to allow for the sale of used cars and miniwarehouses. This property is further described as a 7.95-acre tract located at 1919 Oates Drive. This item was postponed at the September 21, 2009, City Council meeting.

Applicant F. Michael Graves presented the revised site plan. He stated that additional trees will be added along the IH 635 property line as well as additional landscaping along Oates Drive. Mr. Graves stated that the zoning change to Commercial and Conditional Use Permit to allow miniwarehouses is no longer being requested. However, he is requesting that the Council remove the stipulation requiring a maximum of 150 vehicles be located on the property at one time.

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

Mr. Pickett moved to approve Application No. 1461-144-2009, as recommended by the Planning and Zoning Commission, modifying Stipulation No. 1, removing the previous Stipulation No. 2 and adding a new Stipulation No. 5, as follows:

1. Landscaping shall be provided in compliance with Exhibit A of the ordinance.
2. No signs, banners or balloons of any kind may be placed on the property with the following exceptions:
  - a. One monument sign per street frontage.
  - b. Wall signs.
  - c. Three flag poles that must be located within 75 feet of the primary structure.
  - d. Directional/instructional signage as needed. Such signage shall not include advertising.
  - e. Signs must comply with City Sign Ordinance.
3. Each car on display must be parked/displayed fully within a striped parking space or inside of a building.
4. All cars onsite for sale shall be no older than four years old.
5. This Conditional Use Permit is granted for a period of three years from the date of issuance of the Certificate of Occupancy and shall be reviewed by

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the City Council at that time for compliance with stipulations 1 through 5. The Conditional Use Permit is approved exclusively to the applicant, Randall Reed's Planet Pre-Owned and may not be transferred or assigned.

And to approve Ordinance No. 4069, 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 LIGHT COMMERCIAL TO LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING FOR THE SALE OF USED CARS 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 (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Ms. Roberts and approved by all voting "Aye." (Ordinance No. 4069 recorded on page \_\_\_\_\_ of Ordinance Book No. 94.)

**RECEIPT OF RESIGNATION.**

16. RESIGNATION RECEIVED FROM CINDY BURKETT AS A MEMBER OF THE BOARD OF ADJUSTMENT.

Mr. Pickett moved to accept the resignation of Cindy Burkett as a member of the Board of Adjustment. Motion was seconded by Ms. Roberts and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Pickett and approved unanimously. The meeting adjourned at 3:42 p.m.

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Sonja Land  
City Secretary

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John Monaco  
Mayor