

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, JULY 21, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Stan Pickett, Shirley Roberts, 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) proposed amendments to Chapter 10 of the City Code regarding landscape maintenance, (2) potential projects for submission to Dallas County as part of its Capital Improvements Call for Projects and (3) strategy for securing commuter rail service.

(2) Council consensus was to submit the following Capital project to Dallas County for partial funding in response to their 2014 Call for Projects: Project No. 2, Northwest Drive from the north City limit to IH 30. Council also identified Project No. 7, Hike and Bike Trail from just south of US Highway 80 along west side of South Mesquite Creek to IH 635 at Towne Centre Drive, as a high priority project and directed staff to look at possible funding options within the next few years.

(3) Council consensus was to direct staff to prepare and coordinate a letter to Dallas Area Rapid Transit (DART) on behalf of the cities of Mesquite, Forney and Terrell citing an interest in pursuing future commuter rail transit service to Dallas.

WORK SESSION – CITY COUNCIL CHAMBER – 1:10 P.M.

A. **MONTHLY FINANCIAL REPORT FOR MAY 2008 - RECEIVED.**

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

The Work Session ended at 1:18 p.m.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 2:21 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects or settlement offers (J. Dale Hagler v. City of Mesquite and PKG Contracting, Inc. v. City of Mesquite); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:39 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

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

The Pledge of Allegiance was led by Melody Cornish, Moriah Cornish, Tori Risner, Sarah Frichette, Joshua Frichette and Brendan Durrett, participants in the Summer Reading Club at the Mesquite Public Library.

SPECIAL ANNOUNCEMENTS.

(1) Shirley Roberts announced that the Mesquite Citizens Police Academy Alumni Association (MCPAAA) was recently recognized for its excellence by receiving three statewide awards at the Citizens Police Academy Association State Convention in Wichita Falls. LeeAnn Winkler was recognized as Alumni Member of the Year, Police Officer Don Williams was named Peace Officer of the Year for his work with the MCPAAA and the MCPAAA was named Alumni Association of the Year. Ms. Roberts recognized alumni members Barbara Dunn and Janet Rohde who were in the audience.

(2) Mayor Monaco recognized Boy Scout Brody Felton, Troop No. 138, who was working on his Communications Merit Badge.

(3) Mayor Monaco presented a proclamation to City Attorney B. J. Smith in honor of his 50 years of service to the law profession.

CITIZENS INPUT HEARING.

1. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE PROPOSED 2008-09 CITY BUDGET – HELD.

A public hearing was held to receive input from citizens regarding the proposed 2008-09 City Budget.

No one appeared regarding the proposed 2008-09 City Budget. Mayor Monaco declared the public hearing closed.

CONSENT AGENDA.

Item Nos. 3 and 7 were removed from the Consent Agenda to be considered separately. Ms. Roberts 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 JULY 7, 2008.
4. ORDINANCE NO. 3970 – AMENDING CHAPTER 1 OF THE CITY CODE REGARDING ABANDONMENT OF PUBLIC EASEMENTS OR RIGHTS-OF-WAY.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW SECTION 1-18; THEREBY ESTABLISHING AN ADMINISTRATIVE FEE FOR THE ABANDONMENT OF PUBLIC EASEMENTS OR RIGHTS-OF-WAY; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE. (Ordinance No. 3970 recorded on page _____ of Ordinance Book No. 91.)

5. ORDINANCE NO. 3971 – AMENDING CHAPTER 13 OF THE CITY CODE REGARDING PENNANTS, BANNERS AND POLE SIGNS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN ARTICLES I AND IV OF CHAPTER 13 THEREBY UPDATING THE REGULATIONS ON SIGNS; 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 EMERGENCY. (Ordinance No. 3971 recorded on page _____ of Ordinance Book No. 91.)

6. ORDINANCE NO. 3972 – AMENDING CHAPTER 15 OF THE CITY CODE REGARDING THE PROCESSING OF REQUESTS FOR VARIANCES TO ACCESS MANAGEMENT AND DRIVEWAY STANDARDS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW SECTION 15-150(4)(C); THEREBY ESTABLISHING AN ADMINISTRATIVE FEE FOR REQUESTS FOR VARIANCES TO ACCESS MANAGEMENT AND DRIVEWAY STANDARDS; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE. (Ordinance No. 3972 recorded on page _____ of Ordinance Book No. 91.)

8. RESOLUTION NO. 33-2008 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO PARTICIPATE IN THE ONCOR STANDING STEERING COMMITTEE.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDING STEERING COMMITTEE PARTICIPATION AGREEMENT; AUTHORIZING THE PAYMENT OF THE INITIAL PARTICIPATION FEE; AND REQUIRING A CERTIFIED COPY OF THIS RESOLUTION AND THE APPROVED PARTICIPATION FEE BE SENT TO THE CITY OF ARLINGTON. (Resolution No. 33-2008 recorded on page _____ of Resolution Book No. 41.)

9. BID NO. 2008-067 – ANNUAL CONTRACT FOR PAINT AND BODY SERVICES – AWARDED TO LOW BIDDER BUDGET AUTO BODY SHOP IN THE AMOUNT OF \$52,500.00.

10. RFP NO. 2008-090 – ANNUAL CONTRACT FOR INDEPENDENT AUDIT SERVICES – AWARDED TO GRANT THORNTON FOR AN ESTIMATED 2008 FEE OF \$114,500.00.
11. BID NO. 2008-096 – MESQUITE ARTS CENTER EXTERIOR REPAIRS AND PAINTING – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH CONCORD COMMERCIAL SERVICES, INC., THROUGH BID NO. 2006-093, ANNUAL FACILITY MAINTENANCE, TIME AND MATERIAL, REPAIR AND REMODELING, IN AN AMOUNT NOT TO EXCEED \$221,160.58.
12. CITY MANAGER AUTHORIZED TO EXECUTE A COMMERCIAL OPERATING AGREEMENT WITH MICHELS AVIATION LLC TO OPERATE AN AIRFRAME AND POWER PLANT REPAIR SERVICE AT THE MESQUITE METRO AIRPORT.
13. CITY MANAGER AUTHORIZED TO EXECUTE A LEASE ASSIGNMENT FROM FAITH AIR, INC., TO MICHELS AVIATION, LLC.
14. CITY MANAGER AUTHORIZED TO EXECUTE A LEASE WITH MESQUITE SOCIAL SERVICES FOR LEASE OF THE JEWELL WESTMORELAND SOCIAL SERVICES BUILDING LOCATED AT 1035 MILITARY PARKWAY.
15. CITY MANAGER AUTHORIZED TO APPROVE DESIGN CHANGES AND EXECUTE THE NECESSARY DOCUMENTS RELATED TO THE 2009 AMENDMENTS TO THE OAP, HRA-OAP AND HMO MEDICAL PLANS FOR EMPLOYEES AND RETIREES WITH ADMINISTRATOR CIGNA HEALTHCARE, INC., EFFECTIVE JANUARY 1, 2009.
16. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE2008-079, L-3 COMMUNICATIONS MOBILE VISION, INC. - \$22,581.00; RFP 2008-046, PUBLIC SAFETY MOBILE DATA COMPUTER REPLACEMENT - \$14,647.00; I003-2008/CE28-8060, ANNUAL LANDSCAPE MAINTENANCE OF THE TOWNE CENTRE/IH 635 INTERSECTION - \$693.45; CEI079-2008, ANNUAL SUPPLY OF FULL CIRCLE CLAMPS - \$1,055.50; CEI034-2007, ANNUAL SUPPLY OF IRRIGATION REPAIR PARTS - \$1,539.07; CEI073-2007, ANNUAL SCREENING WALL REPAIRS - \$5,000.00 AND CE28-8370, MESQUITE DISC GOLF PROJECT – [\$962.00]).

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.

3. ORDINANCE NO. 3969 – REPEALING ORDINANCE NO. 3523 AND REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATING TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS - APPROVED.

Mr. Pickett moved to approve Ordinance No. 3969 with an amendment to include an effective date of August 18, 2008, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATING TO ENGINEERING,

PLANNING, ZONING AND SUBDIVISION APPLICATIONS; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING ORDINANCE NO. 3523; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Ordinance No. 3969 recorded on page of Ordinance Book No. 91.)

7. RESOLUTION NO. 32-2008 – SUPPORTING THE INTRODUCTION AND PASSAGE OF BREED SPECIFIC LEGISLATION FOR LOCAL MUNICIPALITIES GOVERNING DANGEROUS DOGS - APPROVED.

Mr. Tarpley stated that on June 3, 2008, the City of Duncanville approved a resolution to introduce legislation into the next Texas legislative session that would allow municipalities to gain control over regulating vicious dogs. In 2007, 32 fatal dog attacks occurred in the United States with seven of these in Texas. In Mesquite in 2007, 366 dog bites were reported with 124 of these from pit bulls. Pit bulls account for 23 percent of the dogs impounded in the City's animal shelter last year. Most of these dogs were surrendered by their owners who had grown fearful of them. Mr. Tarpley stated that if this legislation is passed, it would give the City the ability to set its own rules regarding these types of dogs.

Mr. Tarpley moved to approve Resolution No. 32-2008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE INTRODUCTION AND PASSAGE OF BREED SPECIFIC LEGISLATION FOR LOCAL MUNICIPALITIES GOVERNING DANGEROUS DOGS. Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Resolution No. 32-2008 recorded on page of Resolution Book No. 41.)

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

17. PUBLIC HEARING – CONSIDER AMENDING THE MESQUITE COMPREHENSIVE PLAN TO INCLUDE AN ELEMENT FOR THE EXTRATERRITORIAL JURISDICTION – POSTPONED UNTIL THE AUGUST 4, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider amending the Mesquite Comprehensive Plan to include an element for the extraterritorial jurisdiction.

Mr. Noschese moved to postpone consideration of an amendment to the Mesquite Comprehensive Plan to include an element for the extraterritorial jurisdiction until the August 4, 2008, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

18. PUBLIC HEARING – CONSIDER ZONING TEXT AMENDMENT NO. 2008-4 CREATING NEW REGULATIONS GOVERNING THE HEIGHT, SIZE, PLACEMENT, EXTERIOR MATERIALS AND OTHER CONSTRUCTION

STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES – POSTPONED
UNTIL THE AUGUST 4, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Zoning Text Amendment No. 2008-4 creating new regulations governing height, size, placement, exterior materials and other construction standards for residential accessory structures.

Mr. Noschese moved to postpone consideration of Zoning Text Amendment No. 2008-4 until the August 4, 2008, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

19. A. PUBLIC HEARING – AMENDING THE MESQUITE COMPREHENSIVE
PLAN ADDING THE MESQUITE TRAILS MASTER PLAN - HELD.

A public hearing was held regarding amending the Mesquite Comprehensive Plan adding the Mesquite Trails Master Plan.

Mary Stephens, 2312 South Parkway, spoke in support of the Mesquite Trails Master Plan. She suggested the City work to acquire a small parcel of property near Westover Park Greenbelt so that the entire trail system connecting Westover Park and DeBusk Park can be an eight-foot-wide trail. Currently, a small section of the trail is only four feet wide because that portion abuts private property. The City has attempted to acquire this property in the past; however, she suggested staff initiate contact again with the property owner in an attempt to acquire enough land to widen that portion of the trail.

No others appeared regarding the Mesquite Comprehensive Plan. Mayor Monaco declared the public hearing closed.

B. ORDINANCE NO. 3973 – AMENDING THE MESQUITE
COMPREHENSIVE PLAN ADDING THE MESQUITE TRAILS MASTER
PLAN – APPROVED.

Ms. Roberts moved to approve Ordinance No. 3973, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN PERTAINING TO THE MESQUITE TRAILS MASTER PLAN; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Tarpley and approved by all voting “Aye.” (Ordinance No. 3973 recorded on page of Ordinance Book No. 91.)

20. A. PUBLIC HEARING – AMENDING ARTICLES III, IV, VII AND IX OF THE
MESQUITE SUBDIVISION ORDINANCE ESTABLISHING CERTAIN
ADMINISTRATIVE PROCESSING FEES, CLARIFYING SITE
IMPROVEMENTS SUBJECT TO INSPECTION FEES AND
ESTABLISHING AN EXPIRATION PROCESS FOR ENGINEERING PLAN
SUBMITTAL APPLICATIONS – HELD.

A public hearing was held to consider amendments to Articles III, IV, VII and IX of the Mesquite Subdivision Ordinance establishing certain administrative processing fees, clarifying site improvements subject to inspection fees and establishing an expiration process for engineering plan submittal applications.

No one appeared regarding the Mesquite Subdivision Ordinance. Mayor Monaco declared the public hearing closed.

B. ORDINANCE NO. 3974 – AMENDING ARTICLES III, IV, VII AND IX OF THE MESQUITE SUBDIVISION ORDINANCE – APPROVED.

Mr. Pickett moved to approve Ordinance No. 3974, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, BY DELETING SECTION E(7) IN ARTICLE III IN ITS ENTIRETY AND ADDING NEW SECTIONS (E)7, E(8) AND E(9) TO ARTICLE III; DELETING ARTICLE IV IN ITS ENTIRETY AND ADDING A NEW ARTICLE IV; ADDING A NEW SECTION D TO ARTICLE VII; AND ADDING A NEW PARAGRAPH (5) TO ARTICLE IX; THEREBY ADDING ADMINISTRATIVE FEES; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Noschese and approved by all voting “Aye.” (Ordinance No. 3974 recorded on page _____ of Ordinance Book No. 91.)

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS.

21. RESIGNATION RECEIVED FROM JUDY SKOWRON AS A MEMBER OF THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS.

Mr. Tarpley moved to accept the resignation of Judy Skowron as a member of the Historic Mesquite, Inc., Board of Directors. Motion was seconded by Mr. Pickett and approved unanimously.

22. APPOINTMENT OF ONE MEMBER TO THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2009.

Mr. Pickett moved to appoint Kim Holloway as a member of the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

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

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Mr. Pickett moved to appoint Councilmember Shirley Roberts 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. Forsythe. On call for a vote on the motion, the following votes were cast:

Ayes: Pickett, Forsythe, Monaco, Tarpley, Roberts

Nayes: Noschese

Motion carried.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 3:22 p.m.

Judy Womack
City Secretary

John Monaco
Mayor