

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,
AUGUST 18, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor Pro Tem Shirley Roberts and Councilmembers Stan Pickett, Dennis Tarpley, Greg Noschese and Al Forsythe, City Manager Ted Barron and City Secretary Judy Womack.

Absent: Mayor John Monaco

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 Regular Agenda and discuss: (1) proposed ordinance prohibiting use of handheld mobile telephones in school zones, (2) options for signaling the intersection at Gus Thomasson Road and North Mesquite Drive, (3) 2008-09 water and sewer rates, (4) amendments to bylaws for Mesquite Quality of Life Corporation and (5) Holiday Operational Plan for the Police Department.

(5) It was Council consensus to proceed with the 2008 Holiday Operational Plan similar to one provided in 2007.

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

Invocation was given by Nathan Timmerman, National Resource and Development Representative for Chaplaincy Ministries.

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

SPECIAL ANNOUNCEMENTS.

(1) Mr. Noschese announced he visited four Mesquite Independent School District (MISD) campuses as teachers and administrators prepare for another school year. He expressed appreciation to all teachers and administrators at MISD for their dedication to the students.

(2) Mayor Pro Tem Roberts recognized Boy Scout Sean Keller, Troop No. 720, who was working on his Citizenship in the Community and Communications merit badges.

CONSENT AGENDA.

Mr. Noschese 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 AUGUST 4, 2008.

2. RESOLUTION NO. 38-2008 – DESIGNATING THE ROWLETT LAKESHORE TIMES DBA THE MESQUITE NEWS (STAR COMMUNITY NEWSPAPERS) AS THE CITY'S OFFICIAL NEWSPAPER FOR FISCAL YEAR 2008-09.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF MESQUITE FOR PUBLICATION OF LEGAL ADVERTISEMENTS FOR A ONE-YEAR PERIOD; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 38-2008 recorded on page of Resolution Book No. 41.)

3. RESOLUTION NO. 39-2008 – APPROVING REVISIONS TO THE RESERVATION AND RENTAL AGREEMENT FOR THE MESQUITE ARTS CENTER AND AUTHORIZING THE MANAGING DIRECTOR OF THE MESQUITE ARTS CENTER AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING THE RESERVATION AND RENTAL AGREEMENTS ON BEHALF OF THE CITY.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE REVISIONS TO THE RESERVATION AND RENTAL AGREEMENT FOR THE MESQUITE ARTS CENTER OWNED AND OPERATED BY THE CITY OF MESQUITE; AND AUTHORIZING THE MANAGING DIRECTOR OF THE MESQUITE ARTS CENTER AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING THE RESERVATION AND RENTAL AGREEMENTS ON BEHALF OF THE CITY. (Resolution No. 39-2008 recorded on page of Resolution Book No. 41.)

4. BID NO. 2008-069 – ANNUAL SUPPLY OF JANITORIAL SUPPLIES – AWARDED TO LOW BIDDERS EMPIRE PAPER, GROUP I, ITEM 5 IN THE AMOUNT OF \$4,759.92; SUNBEAM FOODS, INC., GROUP I, ITEMS 1-4, 6 AND 7 IN THE AMOUNT OF \$24,346.85; EAGLE BRUSH AND CHEMICAL, INC., GROUP II, ITEMS 1-52 IN THE AMOUNT OF \$65,129.50 AND GROUP III, ITEMS 1-31 IN THE AMOUNT OF \$7,232.12 FOR A TOTAL AMOUNT OF \$101,468.39.
5. RFP NO. 2008-091 – ANNUAL CONTRACT FOR RECYCLED MATERIALS PROCESSING – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH GREENSTAR NORTH AMERICA (VISTA FIBERS).
6. RECEIVED SEMIANNUAL REPORT FROM THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 395.058(C)(4) OF THE TEXAS LOCAL GOVERNMENT CODE.
7. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE2006-53/27-5420, ANNUAL MAINTENANCE OF PARKS AND SPECIAL AREAS - \$7,658.20; CE2008-028/28-8200, ANNUAL LANDSCAPE MAINTENANCE OF CREEK CROSSING MEDIANS AND LANDSCAPE AREAS - \$7,550.00; CE2008-025, PURCHASE OF THREE STANDARD 16-PASSENGER BUSES - \$1,442.18; CE28-8420, T-HANGAR CONSTRUCTION - \$3,974.08; CEI025-2008, ANNUAL SUPPLY OF SAFETY ITEMS - \$1,523.04; CEI015-2008/

28-8190, ANNUAL LANDSCAPE MAINTENANCE: ANIMAL SHELTER, COMMUNITY SERVICE BUILDING, FLORENCE RANCH AND VIA DEL NORTE MEDIAN - \$1,294.50 AND CE2008-002/28-8080, ANNUAL LANDSCAPE MAINTENANCE: MESQUITE ARTS CENTER, SOCIAL SERVICES, HEALTH CLINIC AND WILLOWBROOK PARKING LOT - \$3,000.00.)

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

8. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2008-5 CREATING A NEW FLOATING ZONE CLASSIFICATION TO BE KNOWN AS THE KAUFMAN-INTERSTATE 20 DISTRICT (K-20), WHICH SHALL INCORPORATE THE INTERIM K-20 DEVELOPMENT CODE CONTAINING NEW OR AMENDED PROCEDURAL REQUIREMENTS, THE CREATION OF ZONING DISTRICTS, CERTAIN COMMUNITY TYPES AND MANDATORY REGULATING PLANS, STANDARDS FOR SITE DESIGN AND REGULATIONS AFFECTING BUILDING FORM, BUILDING DESIGN, SETBACK, PARKING, SIGNAGE, LANDSCAPING AND PERMITTED USES – POSTPONED UNTIL THE SEPTEMBER 2, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Zoning Text Amendment No. 2008-5 creating a new floating zone classification to be known as the Kaufman-Interstate 20 District (K-20), which shall incorporate the Interim K-20 Development Code containing new or amended procedural requirements, the creation of zoning districts, certain community types and mandatory regulating plans, standards for site design and regulations affecting building form, building design, setback, parking, signage, landscaping and permitted uses.

Mr. Pickett moved to postpone consideration of Zoning Text Amendment No. 2008-5 until the September 2, 2008, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

9. PUBLIC HEARING – ZONING – APPLICATION NO. KAUFMAN-1 REZONING ALL PROPERTIES WITHIN THE CITY OF MESQUITE LOCATED EAST OF THE EAST FORK OF THE TRINITY RIVER FROM AGRICULTURAL TO THE NEW FLOATING KAUFMAN-INTERSTATE 20 DISTRICT (K-20) AT SUCH TIME AS PROPERTIES ARE DEVELOPED – POSTPONED UNTIL THE SEPTEMBER 2, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. Kaufman-1 rezoning all properties within the City of Mesquite located east of the East Fork of the Trinity River from Agricultural to the new floating Kaufman-Interstate 20 District (K-20) at such time as properties are developed.

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Mr. Pickett moved to postpone consideration of Application No. Kaufman-1 until the September 2, 2008, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

10. 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 –POSTPONED UNTIL THE SEPTEMBER 15, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider 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.

Mr. Noschese moved to postpone consideration of Zoning Text Amendment No. 2008-6 until the September 15, 2008, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

11. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2008-7 AND ORDINANCE NO. 3981 REGARDING SPECIAL REGULATIONS ON NONCONFORMING USES, STRUCTURES AND PREMISES, AMENDING SECTION 1-300 OF THE MESQUITE ZONING ORDINANCE PROHIBITING NONCONFORMING PAWNSHOPS FROM EXPANDING OR ENLARGING – APPROVED.

A public hearing was held to consider Zoning Text Amendment No. 2008-7 regarding special regulations on nonconforming uses, structures and premises, amending Section 1-300 of the Mesquite Zoning Ordinance prohibiting nonconforming pawnshops from expanding or enlarging.

Richard Gertson, Director of Community Development, stated that this was a staff initiated zoning change that would repeal a provision in the Mesquite Zoning Ordinance which currently allows nonconforming pawnshops to expand or enlarge.

No one appeared regarding the proposed zoning change. Mayor Pro Tem Roberts declared the public hearing closed.

Mr. Tarpley moved to approve Zoning Text Amendment No. 2008-7, as recommended by the Planning and Zoning Commission, and Ordinance No. 3981, 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 PROVIDING

CERTAIN ADDITIONS AND DELETIONS UNDER SECTION 1-300 THEREBY PROHIBITING NONCONFORMING PAWNHOPS TO EXPAND OR ENLARGE; PROVIDING A REPEALER CLAUSE; PROVIDING 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. Pickett and approved by all voting "Aye." (Ordinance No. 3981 recorded on page of Ordinance Book No. 91.)

APPOINTMENTS TO BOARDS AND COMMISSIONS.

12. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE PLANNING AND ZONING COMMISSION AND CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM TO EXPIRE AUGUST 18, 2010.

Mr. Pickett moved to appoint Jack Akin as an alternate member of the Planning and Zoning Commission and Capital Improvements Advisory Committee for a term to expire August 18, 2010. Motion was seconded by Mr. Noschese and approved unanimously.

13. APPOINTMENT OF ONE MEMBER TO THE KEEP MESQUITE BEAUTIFUL, INC., BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2010.

Mr. Pickett abstained from discussion regarding this item and left the meeting.

Mr. Tarpley moved to appoint Lillie White as a member of the Keep Mesquite Beautiful, Inc., Board of Directors for a term to expire December 31, 2010. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

Ayes:	Tarpley, Forsythe, Roberts, Noschese
Nays:	None
Abstention:	Pickett
Absent:	Monaco

Motion carried.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:20 P.M.

Mayor Pro Tem Roberts announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider the purchase, exchange, lease or value of real property (acquisition of property near the Mesquite Metro Airport); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 3:50 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:50 P.M.

Mayor Pro Tem Roberts announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider the 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 4:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 4:00 P.M.

Mayor Pro Tem Roberts announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending litigation subjects (received summary of all pending litigation cases); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 4:15 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Mr. Noschese and approved unanimously. The meeting adjourned at 4:27 p.m.

Judy Womack
City Secretary

Shirley Roberts
Mayor Pro Tem