

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,
MARCH 16, 2009, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

Absent: Greg Noschese and Stan Pickett

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) development alternatives for Lucas Farms, (2) new Police Building opening, (3) lawn service companies and (4) Local Option Transportation Fund.

(1) It was Council consensus to direct staff to proceed by hiring a firm to design mixed use development alternatives for two portions of Lucas Farms.

(2) It was Council consensus to direct staff to host a “Community Day” open house for the new Police Building on a Saturday in April with tours for community leaders, civic groups and citizens.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:12 P.M.

The City Council met in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Prospect seeking to locate in the Rodeo City Tax Increment Finance Reinvestment Zone No. 1); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:27 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:01 P.M.

Invocation was given by Bruce Archer, At the Cross Church, Mesquite, Texas.

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

SPECIAL ANNOUNCEMENT.

Mayor Monaco presented a proclamation to Ms. Jimmie McKee and volunteers from Evans, Rutherford and Goodbar Senior Citizens Centers for participating in the “Caps for Soldiers” project.

CONSENT AGENDA.

Item Nos. 2 and 4 were removed from the Consent Agenda to be considered separately. Mr. Tarpley moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 2, 2009.
3. RESOLUTION NO. 08-2009 – APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH CA 3000 SKYLINE DRIVE, LLC; CHAPMAN & WILSON, LLC; SORRENTO SKYLINE, INC.; AND WILSON PROPERTY HOLDINGS, LLC (CAPSTAR REAL ESTATE ADVISORS, INC.) TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE SKYLINE INDUSTRIAL DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CA 3000 SKYLINE DRIVE, LLC, CHAPMAN & WILSON, LLC, SORRENTO SKYLINE, INC., AND WILSON PROPERTY HOLDINGS, LLC, AS TENANTS IN COMMON FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 08-2009 recorded on page of Resolution Book No. 42.)

5. BID NO. 2009-076 – PARK IMPROVEMENTS AT EVANS RECREATION CENTER AND EVANS PARK SENIOR CENTER – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH J. T. TURNER, INC., IN THE AMOUNT OF \$654,592.03.
6. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 2 TO A CONTRACT WITH BINKLEY & BARFIELD CONSULTING ENGINEERS, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE 2007-08 ASPHALT STREET RECONSTRUCTION AND OVERLAY PROJECT IN THE AMOUNT OF \$6,820.00.
7. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 2 TO CITY CONTRACT NO. 2007-055, ANNUAL SUPPLY OF FIRE HYDRANTS WITH FERGUSON WATERWORKS IN THE AMOUNT OF \$5,580.12 FOR A TOTAL AMOUNT OF \$70,976.30.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.

2. ORDINANCE NO. 4039 – AMENDING CHAPTER 10 OF THE CITY CODE REGARDING SMOKING REGULATIONS – APPROVED WITH MODIFICATIONS.

Mr. Tarpley stated that Councilmembers were requested to review the current smoking ordinance which has not been revised in 20 years. Therefore, a special task force was appointed in November 2008 to explore any potential adjustments to the current smoking ordinance. Two public input forums were held along with an on-line survey to receive citizen input.

Mr. Tarpley stated that the Smoking Regulation Task Force consisted of Councilmember Dennis Tarpley, Chairman; Deputy Mayor Pro Tem Greg Noschese; Kevan Fenderson, Director of Government Relations, Brinker International; Doug Sullivan, General Manager, Olive Garden Restaurant; Dr. Vijaya Nama, Medical Director, Mesquite Employees Health Center; Greg Losher, former Chairman of the Board, Mesquite Chamber of Commerce; resident Karen Allen; resident Jerry Jones; Deputy City Manager Carol Zolnerowich; Assistant to the City Manager Valerie Bradley; and Planner Bret “Bee” Martin.

Mayor Monaco commended the task force for their dedication and efforts toward reviewing and updating the smoking ordinance as well as their community involvement.

Mr. Tarpley moved to approve amending Chapter 10 of the City Code regarding smoking regulations with the following modifications: (1) add to Section 10-99 (r): Except as provided in tobacco stores in paragraph aa below and (2) add to Section 10-99 (aa): Except for retail tobacco stores whose primary activity is the sale or promotion of tobacco and tobacco products and accessories, and wherein all smoking is conducted within a sealed, ventilated room approved by the building official and is dedicated exclusively to smoking, and to approve Ordinance No. 4039, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING ARTICLE IV IN ITS ENTIRETY AND ADDING A NEW ARTICLE IV THEREBY UPDATING SMOKING REGULATIONS; 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 Ms. Roberts and approved by all voting “Aye.” (Ordinance No. 4039 recorded on page _____ of Ordinance Book No. 92.)

4. BID NO. 2009-021 – OPAL LAWRENCE HISTORICAL PARK – WATER AND SANITARY SEWER IMPROVEMENTS, PHASE 2 – CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS WITH A&M CONSTRUCTION AND UTILITIES, INC., IN THE AMOUNT OF \$58,758.00 – POSTPONED UNTIL THE APRIL 6, 2009, CITY COUNCIL MEETING.

Ms. Roberts moved to postpone consideration of Bid No. 2009-021 – Opal Lawrence Historical Park – Water and Sanitary Sewer Improvements, Phase 2, until the April 6, 2009, City Council meeting to allow Council and staff additional time to review the proposed improvements. Motion was seconded by Mr. Forsythe and approved unanimously.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

8. PUBLIC HEARING – SUBDIVISION TEXT AMENDMENT NO. 2009-1 AND ORDINANCE NO. 4040 AMENDING THE MESQUITE SUBDIVISION ORDINANCE REGARDING PRELIMINARY, FINAL AND SHORT FORM PLATS WITHIN AREAS DESIGNATED AS FORM-BASED DISTRICTS – APPROVED.

A public hearing was held to consider Subdivision Text Amendment No. 2009-1 amending the Mesquite Subdivision Ordinance regarding preliminary, final and short form plats within areas designated as form-based districts.

Richard Gertson, Director of Community Development, stated that the amendment is needed to assure that plats conform to adopted plans if the platting occurs in a form-based district.

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

Mr. Tarpley moved to approve Subdivision Text Amendment No. 2009-1, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4040, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, BY MAKING CERTAIN ADDITIONS AND DELETIONS TO ARTICLES II AND III; THEREBY APPROVING PRELIMINARY, FINAL AND SHORT FORM PLATS WITHIN AREAS DESIGNATED AS FORM-BASED DISTRICTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Forsythe and approved by all voting “Aye.” (Ordinance No. 4040 recorded on page of Ordinance Book No. 92.)

9. PUBLIC HEARING – APPLICATION NO. 163-3-2009 SUBMITTED BY BETTYE BLOUNT AND ORDINANCE NO. 4041 FOR A ZONING CHANGE FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL WITH A CONDITIONAL USE PERMIT ALLOWING A TAX PREPARATION SERVICE HOME OCCUPATION LOCATED AT 300 NEW MARKET ROAD – APPROVED WITH CERTAIN STIPULATIONS.

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A public hearing was held to consider Application No. 163-3-2009 submitted by Bettye Blount for a zoning change from R-1 Single Family Residential to R-1 Single Family Residential with a Conditional Use Permit allowing a tax preparation service home occupation. This property is further described as a 2.48-acre tract located at 300 New Market Road.

Applicant Bettye Blount, 300 New Market Road, stated that this zoning change would allow her to prepare taxes in her home for professional clients. She explained that tax returns are only prepared three-and-a-half months out of the year.

No one appeared in opposition to the proposed zoning change. Mayor Monaco declared the public hearing closed.

Mr. Tarpley moved to approve Application No. 163-3-2009, as recommended by the Planning and Zoning Commission, with the following stipulations, and adding Stipulation No. 3, as follows:

1. The tax preparation business shall comply with all requirements of Section 2-702 of the Mesquite Zoning Ordinance with the exception that a maximum of six customers per day may come to the property on an appointment basis only. No drop in customers shall be permitted.
2. All customers shall park on an improved surface on the property of the Home Occupation.
3. The Home Occupation shall be conducted in the primary residence.

And to approve Ordinance No. 4041, 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 R-1 SINGLE FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING A TAX PREPARATION SERVICE HOME OCCUPATION 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 Mr. Forsythe and approved by all voting "Aye." (Ordinance No. 4041 recorded on page of Ordinance Book No. 92.)

OTHER BUSINESS.

10. SPECIAL MEETING TO BE HELD AT 9:00 A.M., ON MAY 20, 2009, TO CANVASS THE RETURNS FOR THE MAY 9, 2009, GENERAL ELECTION.

Ms. Roberts moved to schedule a special meeting to be held at 9:00 a.m., on May 20, 2009, to canvass the results of the May 9, 2009, General Election. Motion was seconded by Mr. Tarpley and approved unanimously.

APPOINTMENT TO BOARDS AND COMMISSIONS.

11. APPOINTMENT OF ONE REGULAR MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD FOR A TERM TO EXPIRE OCTOBER 21, 2010.

Ms. Roberts moved to appoint Greg Dyer as a regular member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2010. Motion was seconded by Mr. Tarpley and approved unanimously.

Mr. Tarpley moved to adjourn the meeting. Motion was seconded by Mr. Forsythe and approved unanimously. The meeting adjourned at 3:29 p.m.

Sonja Land
City Secretary

John Monaco
Mayor