

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, AUGUST 4, 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 proposed changes to the Mesquite Arts Center Reservation and Rental Agreement.

WORK SESSION – CITY COUNCIL CHAMBER – 1:15 P.M.

C. MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR FISCAL YEAR 2008-09 – REVIEWED.

Work Session Item C was taken out of order.

Ms. Wright reviewed the Mesquite Quality of Life Corporation's proposed budget for the fiscal year 2008-09 and introduced board members Jeann Wisenbaker and Councilmember Shirley Roberts who were also present. She stated that the Board's goal is to ensure that revenues from 4B sales tax dollars are utilized in the best manner possible to sustain and improve the quality of life for all Mesquite residents. The recent addition of disc golf courses at Porter Elementary School, DeBusk Park and Paschall Park is an example of park enhancements made possible through 4B sales tax funding.

Councilmembers expressed appreciation to the members of the Mesquite Quality of Life Corporation Board of Directors for their dedicated service to the community.

A resolution approving the Mesquite Quality of Life Corporation's budget for fiscal year 2008-09 appears as Item No. 8 on the Consent Agenda.

A. MONTHLY FINANCIAL REPORT FOR JUNE 2008 - RECEIVED.

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

B. INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2008 – RECEIVED.

Don Simons, Director of Finance, presented the Investment Report for the quarter ending June 30, 2008.

The Work Session ended at 1:30 p.m.

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

Invocation was given by Richard Flowers, Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.

The Pledge of Allegiance was led by Callie Simon, Joy Simon, Cadee Dunlap and Jackie Ochieng, participants in the Summer Reading Club at the Mesquite Public Library.

SPECIAL ANNOUNCEMENT.

Mayor Monaco recognized Boy Scouts David Owen Armstead and Braden Anderson, Troop No. 914, who were working on their Citizenship in the Community merit badges.

APPOINTMENT FOR PERSONAL APPEARANCE.

1. APPOINTMENT – TIMOTHY TURNER, 615 WARREN STREET – DISCUSS ENVIRONMENTAL CODE AND AUTOMATED TRAFFIC SIGNAL ENFORCEMENT ISSUES.

Timothy Turner, 615 Warren Street, expressed concern regarding recent changes to the environmental code and the Automated Traffic Signal Enforcement Program. Mayor Monaco suggested Mr. Turner meet with Deputy City Manager Carol Zolnerowich to further clarify his concerns.

CONSENT AGENDA.

Item No. 14 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. Tarpley and approved unanimously.

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 21, 2008.
3. ORDINANCE NO. 3975 – AMENDING CHAPTER 10 OF THE CITY CODE REGARDING LANDSCAPE MAINTENANCE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW SECTION 10-128.5 THEREBY REQUIRING PROPERTY OWNERS TO MAINTAIN LANDSCAPING AND VEGETATION; 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. 3975 recorded on page of Ordinance Book No. 91.)

4. ORDINANCE NO. 3976 – ABANDONING A PORTION OF A 15-FOOT-WIDE SANITARY SEWER EASEMENT IN CONJUNCTION WITH EXPANSION OF THE PEPSICO BOTTLING FACILITY LOCATED AT IH 30 AND BIG TOWN BOULEVARD.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF A 15-FOOT-WIDE SANITARY SEWER EASEMENT ASSOCIATED WITH THE EXPANSION OF THE PEPSICO BOTTLING FACILITY LOCATED AT IH 30 AND BIG TOWN BOULEVARD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3976 recorded on page _____ of Ordinance Book No. 91.)

5. ORDINANCE NO. 3977 – AMENDING SECTION 1-16 OF THE CITY CODE REGARDING AMBULANCE USER FEES EFFECTIVE AUGUST 11, 2008.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 1-16 IN ITS ENTIRETY AND ADDING A NEW SECTION 1-16 THEREBY ESTABLISHING A SCHEDULE OF AMBULANCE USER FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3977 recorded on page _____ of Ordinance Book No. 91.)

6. RESOLUTION NO. 34-2008 – AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ABANDONING A SANITARY SEWER EASEMENT LOCATED NEAR THE U.S. HIGHWAY 80 FRONTAGE ROAD AND BAMBOO STREET, FURTHER DESCRIBED AS TRACT 2 OF AN EASEMENT PURCHASED ON FEBRUARY 7, 2000, FROM INTERCITY INVESTMENT PROPERTIES, INC.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED FOR THE ABANDONMENT OF THE SANITARY SEWER EASEMENT LOCATED NEAR THE FRONTAGE ROAD OF U.S. HIGHWAY 80 AND BAMBOO STREET AND DESCRIBED AS TRACT 2 (694 SQUARE FEET) PURCHASED ON FEBRUARY 7, 2000, FROM INTERCITY INVESTMENT PROPERTIES, INC., AS RECORDED IN VOLUME 2000126, PAGE 6733, DEED RECORDS OF DALLAS COUNTY, TEXAS. (Resolution No. 34-2008 recorded on page _____ of Resolution Book No. 41.)

7. RESOLUTION NO. 35-2008 – SUSPENDING THE EFFECTIVE DATE OF THE RATE INCREASE REQUEST FILED BY ONCOR ELECTRIC DELIVERY COMPANY FOR 90 DAYS AND APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO DIRECT ANY NECESSARY LITIGATION AND APPEALS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUSPENDING THE AUGUST 8, 2008, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE. (Resolution No. 35-2008 recorded on page _____ of Resolution Book No. 41.)

8. RESOLUTION NO. 36-2008 – APPROVING THE MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR FISCAL YEAR 2008-09.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR THE FISCAL YEAR 2008-09 AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. (Resolution No. 36-2008 recorded on page _____ of Resolution Book No. 41.)

9. BID NO. 2008-065 – FAITHON P. LUCAS, SR., BOULEVARD RELOCATIONS AT SOUTH MESQUITE CREEK – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER P.E.T. CONSTRUCTION, INC., IN THE AMOUNT OF \$520,171.50.
10. RFP NO. 2008-087 – ANNUAL SUPPLY OF TIRES – AWARDED TO LOW BIDDERS GRAY’S WHOLESALE TIRES - \$142,319.19; WINGFOOT COMMERCIAL TIRE SYSTEMS, LLC - \$32,605.39; A TO Z TIRE BATTERY, INC. - \$19,602.64; SOUTHERN TIRE MART - \$18,559.80 AND PLANO TIRE COMPANY - \$326.16 FOR A TOTAL AMOUNT OF \$213,413.17.
11. BID NO. 2008-100 – FOUR POLICE PURSUIT VEHICLES – AWARDED TO DALLAS DODGE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT OF \$85,908.00.
12. MAYOR AUTHORIZED TO EXECUTE A NON-BINDING AGREEMENT TO JOIN AIR NORTH TEXAS THROUGH THE REGIONAL TRANSPORTATION COUNCIL.
13. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH WILSON & COMPANY FOR ADDITIONAL ENGINEERING AND SURVEYING SERVICES IN CONJUNCTION WITH THE DRIFTWOOD DRIVE EXTENSION PROJECT IN THE AMOUNT OF \$17,205.50.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY.

14. CITY MANAGER AUTHORIZED TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KASNER & ASSOCIATES FOR ANALYSIS OF SALES TAX RECEIPTS – APPROVED NOTING A REVISION IN WORDING OF THE AGREEMENT.

Mr. Noschese moved to revise the agreement to prevent Kasner & Associates from entering into an agreement with another city and create a situation that would take sales tax money from Mesquite and reallocate it to the other city and to authorize the City Manager to execute the agreement. Motion was seconded by Ms. Roberts and approved unanimously.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

15. A. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ANNUAL ACTION PLAN – HELD.

A public hearing was held to receive input from citizens regarding the 2008-09 Community Development Block Grant Program Annual Action Plan.

No one appeared regarding the 2008-09 Community Development Block Grant Program Annual Action Plan. Mayor Monaco declared the public hearing closed.

- B. RESOLUTION NO. 37-2008 – ADOPTING THE 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ANNUAL ACTION PLAN, DESIGNATING A CHIEF EXECUTIVE OFFICER AND AUTHORIZING THE FILING OF AN APPLICATION UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT - APPROVED.

Mr. Noschese moved to approve Resolution No. 37-2008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION FOR AN AMOUNT NOT TO EXCEED \$912,785 FOR FEDERAL FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT; APPROVING AND ADOPTING THE FISCAL YEAR 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN; AND DESIGNATING THE CITY MANAGER AS CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF GIVING REQUIRED ASSURANCES AND ACTING IN CONNECTION WITH SAID APPLICATION. Motion was seconded by Mr. Pickett and approved by all voting “Aye.” (Resolution No. 37-2008 recorded on page of Resolution Book No. 41.)

16. PUBLIC HEARING – ORDINANCE NO. 3978 AMENDING THE MESQUITE COMPREHENSIVE PLAN TO INCLUDE AN ELEMENT FOR THE EXTRATERRITORIAL JURISDICTION – APPROVED.

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

(1) R. L. Lemke, Vice President of Prime Income Asset Management, 1800 Valley View Lane, Farmers Branch, appeared in opposition to the proposed amendment to the Mesquite Comprehensive Plan. He expressed concerned that he did not receive notification of the proposed amendment and stated that the Comprehensive Plan will inhibit development of his property located in Kaufman County which contains approximately 2,800 acres.

(2) Barbara Mallory Caraway with Showcase Group LLC, on behalf of Prime Income Asset Management and Transcontinental, 1934 Argyle Avenue, Dallas, appeared in opposition to the proposed amendment. She stated that the proposal designates most of her clients' properties as "open space" therefore making the properties undevelopable.

Richard Gertson, Director of Community Development, stated that the majority of Prime Income Asset Management's 2,800 acres is located in the floodplain of the East Fork of the Trinity River which is undevelopable at this time. If information is received in the future changing the boundaries of the floodplain, staff will consider amending the Comprehensive Plan and allowing development as long as all City requirements are met. He stated that the Comprehensive Plan contains approximately 3,500 acres of floodplain. Mr. Gertson also stated that the owner of the property in question, according to records of the Kaufman County Appraisal District, is TCI Texas Properties. Notice of the plan and all hearings was sent to TCI which has the same address as Prime Income Asset Management.

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

Mr. Noschese moved to approve amending the Mesquite Comprehensive Plan to include an element for the extraterritorial jurisdiction, as recommended by the Planning and Zoning Commission, and Ordinance No. 3978, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN PERTAINING TO THE EXTRATERRITORIAL JURISDICTION AND THOSE PORTIONS OF THE CITY LOCATED IN KAUFMAN COUNTY; 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. 3978 recorded on page of Ordinance Book No. 91.)

17. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2008-4 AND ORDINANCE NO. 3979 AMENDING SECTION 2-600 OF THE MESQUITE ZONING ORDINANCE CREATING NEW REGULATIONS GOVERNING THE HEIGHT, SIZE, PLACEMENT, EXTERIOR MATERIALS AND OTHER CONSTRUCTION STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES – APPROVED.

A public hearing was held to consider Zoning Text Amendment No. 2008-4 amending Section 2-600 of the Mesquite Zoning Ordinance creating new regulations governing height, size, placement, exterior materials and other construction standards for residential accessory structures.

Richard Gertson, Director of Community Development, stated that the proposed ordinance contains new regulations for accessory structures larger than 120 square feet. He explained that buildings containing less than 120 square feet may continue to be constructed of metal with a baked enamel finish or approved plastic.

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

Ms. Roberts moved to approve Zoning Text Amendment No. 2008-4, as recommended by the Planning and Zoning Commission, and Ordinance No. 3979, 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 2-600 THEREBY CREATING NEW REGULATIONS FOR RESIDENTIAL ACCESSORY STRUCTURES; 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. 3979 recorded on page of Ordinance Book No. 91.)

18. A. PUBLIC HEARING – AMENDING ARTICLE III, SECTION E(8) OF THE MESQUITE SUBDIVISION ORDINANCE REGARDING ENGINEERING INSPECTION FEES – HELD.

A public hearing was held to consider an amendment to Article III, Section E(8) of the Mesquite Subdivision Ordinance regarding inspection fees.

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

- B. ORDINANCE NO. 3980 – AMENDING ARTICLE III, SECTION E(8) OF THE MESQUITE SUBDIVISION ORDINANCE – APPROVED.

Mr. Pickett moved to approve Ordinance No. 3980, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, BY DELETING SECTION E(8) IN ARTICLE III IN ITS ENTIRETY AND ADDING NEW SECTION E(8) TO ARTICLE III; 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. 3980 recorded on page _____ of Ordinance Book No. 91.)

RECEIPT OF RESIGNATIONS AND APPOINTMENTS TO BOARDS AND COMMISSIONS.

19. RESIGNATION RECEIVED FROM ELAINE PRESBY AS A MEMBER OF THE KEEP MESQUITE BEAUTIFUL, INC., BOARD OF DIRECTORS.

Mr. Pickett moved to accept the resignation of Elaine Presby as a member of the Keep Mesquite Beautiful, Inc., Board of Directors. Motion was seconded by Mr. Forsythe and approved unanimously.

20. RESIGNATION RECEIVED FROM WILLIAM RICHARDSON AS A MEMBER OF THE MESQUITE QUALITY OF LIFE CORPORATION BOARD OF DIRECTORS.

Mr. Pickett moved to accept the resignation of William Richardson as a member of the Mesquite Quality of Life Corporation Board of Directors. Motion was seconded by Ms. Roberts and approved unanimously.

21. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD FOR A TERM TO EXPIRE OCTOBER 21, 2009.

Ms. Roberts moved to appoint David Burris as an alternate member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2009. Motion was seconded by Mr. Noschese and approved unanimously.

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

Mr. Pickett moved to postpone appointment of a member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2009. Motion was seconded by Mr. Forsythe and approved unanimously.

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Mr. Noschese moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 3:25 p.m.

Judy Womack
City Secretary

John Monaco
Mayor