

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 12:30 P.M.,
DECEMBER 3, 2007, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers David Paschall, John Heiman, Dennis Tarpley, Stan Pickett and Shirley Roberts, City Manager Ted Barron and City Secretary Judy Womack.

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 12:30 P.M.

The City Council met in the City Council Conference Room beginning at 12:30 p.m., to discuss the items on the Regular Agenda and discuss: (1) Medical Health Insurance Fund results and (2) proposed amendments to the General Government Policies and Procedures Manual.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:59 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 a business prospect or project (business incentive for a project in the Skyline Industrial District). After the closed meeting ended at 2:23 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 John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

The Pledge of Allegiance was led by Gary Overshown, Christian Ruiz, Cierra Harris and Tiffany Bowman, fourth grade students from Rutherford Elementary School.

SPECIAL ANNOUNCEMENTS.

(1) Mr. Heiman announced that the annual Christmas in the Park will be held Thursday through Saturday, December 6-8, at Westlake Park from 6:00 p.m. to 9:00 p.m.

(2) Mr. Heiman announced that the Chamber of Commerce will be hosting its annual Jingle Mingle on Tuesday, December 4, at the Dallas Athletic Club from 5:30 p.m. to 7:30 p.m. Admission is one unwrapped toy to benefit Mesquite's Santa Cop program.

(3) Ms. Roberts announced that Thursday, December 6, at 6:00 p.m. is the official tree-lighting ceremony for the Christmas Tree in the square in Old Town Mesquite.

CONSENT AGENDA.

Mr. Pickett moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Tarpley and approved unanimously.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 19, 2007.
2. AN ORDINANCE, ON SECOND READING, GRANTING A GAS FRANCHISE TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION.
3. ORDINANCE NO. 3915 – AMENDING CHAPTER 1 OF THE CITY CODE REGARDING CHARGE FOR PRODUCING RECORDS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 1-15 IN ITS ENTIRETY AND ADDING A NEW SECTION 1-15 REGARDING THE SCHEDULE OF CHARGES FOR PRODUCING RECORDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY. (Ordinance No. 3915 recorded on page _____ of Ordinance Book No. 88.)

4. RESOLUTION NO. 53-2007 – PROVIDING THE RETIREMENT HEALTH SAVINGS (RHS) PLAN TO A SPECIFIC GROUP OF EMPLOYEES, EFFECTIVE JANUARY 1, 2008, AND ENDING CURRENT ELECTIVE CONTRIBUCTIONS, EFFECTIVE DECEMBER 31, 2007, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDING CURRENT ELECTIVE CONTRIBUTIONS BY ANY CITY EMPLOYEE TO THE RETIREMENT HEALTH SAVINGS PLAN EFFECTIVE DECEMBER 31, 2007; ESTABLISHING A MANDATORY RETIREMENT HEALTH SAVINGS PLAN FOR A SPECIFIC GROUP OF EMPLOYEES EFFECTIVE JANUARY 1, 2008; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RETIREMENT HEALTH SAVINGS PLAN. (Resolution No. 53-2007 recorded on page _____ of Resolution Book No. 40.)

5. BID NO. 2008-028 – ANNUAL LANDSCAPE MAINTENANCE OF CREEK CROSSING AREA MEDIANS, RIGHTS-OF-WAY AND LANDSCAPE AREAS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH SLM LANDSCAPE AND MAINTENANCE IN THE AMOUNT OF \$151,000.00.
6. BID NO. 2008-042 – FOUR ¾-TON PICKUPS – AWARDED TO CALDWELL COUNTRY CHEVROLET IN CALDWELL, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$88,985.00.

7. AUTHORIZED CONNECTIVITY PLAN WITH AT&T MOBILITY THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES BE CHANGED TO AN UNLIMITED DATA PLAN FOR THE PUBLIC SAFETY MOBILE DATA SYSTEM AND THE BANDWIDTH SPEED BE INCREASED TO A T1, IN THE AMOUNT OF \$9,266.54 PER MONTH OR A TOTAL OF \$111,198.48 PER YEAR.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

8. PUBLIC HEARING – ALTERNATE SCREENING METHOD SUBMITTED BY RICHARD KING, RK PLANNING, FOR MEDICAL OFFICES LOCATED AT 1320 NORTH GALLOWAY AVENUE – APPROVED.

A public hearing was held to consider an alternate screening method submitted by Richard King, RK Planning, for medical offices located at 1320 North Galloway Avenue.

Richard King, RK Planning, stated his client is requesting approval of an alternate screening method consisting of a six-foot ornamental iron fence with landscape buffer in lieu of the required eight-foot masonry fence. Originally the request was to allow the alternate screening with landscaping along the east property line; however, City staff has requested the ornamental iron fencing with landscaping be installed along the south property line as well. The east side currently includes large trees which may be used as landscaping. The south side fencing will include a living screen. He stated there will be no parking on the south side of the property which contains a 25- to 27-foot setback. The structure will contain two buildings, under one roof, connected by a covered breezeway fronting North Galloway Avenue and Wilderness Trail. Parking will be provided on the east side and along the front of the building.

Mr. King added that he met with the City's Arborist and was told the large trees in the middle of the property are diseased and deteriorating and should be removed. However, two large oak trees located near Wilderness Trail will be retained and additional trees will be added to the landscape plan.

No one appeared regarding the proposed alternate screening request. Mayor Monaco declared the public hearing closed.

After the public hearing was closed, Mr. Heiman asked Mr. and Mrs. Vernon Peters who live near the proposed site on North Galloway Avenue if they had any comments regarding the screening request. Mrs. Peters stated that they support the alternate screening method proposed.

Mr. Paschall moved to approve the alternate screening method for the east and south sides of the property with the following stipulations:

1. Masonry columns to be placed on 30-foot centers along the fence.

2. A buffer tree line shall be placed within and alongside the wrought iron fence per the requirements set out in Section 1A-500 of the Mesquite Zoning Ordinance.
3. A dense landscaped hedgerow shall be placed in a 36-inch-wide planting strip within and alongside the wrought iron fence. At planting, the shrubs shall be a minimum size of five gallons with a minimum height of 24 inches and shall create a minimum 3-foot-tall screen within two years. The hedgerow shall consist of one of the following drought resistant shrubs: Abelia, Althea, American Beauty Berry, Copper Canyon Daisy, Flame Acanthus, Salvia Species, Texas Sage, Texas Star Hibiscus, Texas Lantana and Turk's Cap.

Motion was seconded by Mr. Heiman and approved unanimously.

9. PUBLIC HEARING – ORDINANCE NO. 3916 ADOPTING THE MESQUITE COMPREHENSIVE PLAN – APPROVED.

A public hearing was held to consider an ordinance adopting the Mesquite Comprehensive Plan.

Richard Gertson, Director of Community Development, stated that the ordinance would affirm that the Mesquite Development Guide, Thoroughfare Plan and related neighborhood plans comprise the Mesquite Comprehensive Plan. The proposed ordinance adopts the Mesquite Comprehensive Plan and all its companion documents.

No one appeared regarding the adoption of the Mesquite Comprehensive Plan. Mayor Monaco declared the public hearing closed.

Mr. Heiman moved to approve Ordinance No. 3916, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE MESQUITE COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Ordinance No. 3916 recorded on page of Ordinance Book No. 88.)

10. PUBLIC HEARING – ORDINANCE NO. 3917 AMENDING THE MESQUITE COMPREHENSIVE PLAN TO CREATE NEW LAND DEVELOPMENT POLICIES FOR CERTAIN HIGH INTENSITY DEVELOPMENT AREAS TO BE CALLED "GATEWAYS," INCLUDING BUT NOT LIMITED TO THE "BIG TOWN GATEWAY" LOCATED IN THE VICINITY OF BIG TOWN BOULEVARD AND THE I 30/U.S. HIGHWAY 80 JUNCTION AND THE "NORTHEAST I 30 GATEWAY" LOCATED ALONG I 30 AT THE NORTHEAST BOUNDARY OF MESQUITE AND MODIFYING THE AREAS DESIGNATED AS APPROPRIATE FOR NEIGHBORHOOD CONVENIENCE RETAIL SERVICES WITHIN THE BOUNDARIES OF THE SHERWOOD FOREST OVERLAY DISTRICT – APPROVED.

Ms. Roberts abstained from discussion regarding this item and left the meeting.

A public hearing was held to consider an ordinance amending the Mesquite Comprehensive Plan to create new land development policies for certain high intensity development areas to be called "Gateways," including but not limited to the "Big Town Gateway" located in the vicinity of Big Town Boulevard and the I 30/U.S. Highway 80 junction and the "Northeast I 30 Gateway" located along I 30 at the northeast boundary of Mesquite. The amendment also modifies the areas designated as appropriate for neighborhood convenience retail services within the boundaries of the Sherwood Forest Overlay District.

Richard Gertson, Director of Community Development, stated that two important amendments to the Mesquite Comprehensive Plan are included in the proposed ordinance. The first amendment concerns the designation of neighborhood convenience retail services within the Sherwood Forest neighborhood which conforms to strategies in the Sherwood Forest Plan. The second amendment concerns the creation of land-use policies pertaining to certain high intensity development areas called "Gateways" and creation of two specific "Gateways" - the "Big Town Gateway" and the "Northeast I 30 Gateway." The "Big Town Gateway" is the ideal location for a destination-type use with the convergence of U.S. Highway 80 and I 30. The "Northeast I 30 Gateway" can be utilized for a high-density mixed use development due to the abundance of available land. Mr. Gertson added that staff will begin exploring additional areas to be considered for designation as gateways in the future.

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

Mr. Tarpley moved to approve Ordinance No. 3917, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY MODIFYING THE MAPS IN PART IV THAT DESIGNATE CERTAIN AREAS AS APPROPRIATE FOR NEIGHBORHOOD CONVENIENCE RETAIL SERVICES AND ADDING A NEW SECTION IN PART III THAT ESTABLISHES POLICIES FOR THE DEVELOPMENT OF GATEWAYS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Heiman. On call for a vote on the motion, the following votes were cast:

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|-------------|--|
| Ayes: | Tarpley, Heiman, Monaco, Paschall, Pickett |
| Nays: | None |
| Abstention: | Roberts |

Motion carried. (Ordinance No. 3917 recorded on page of Ordinance Book No. 88.)

APPOINTMENTS TO BOARDS AND COMMISSIONS.

11. APPOINTMENT OF TWO REGULAR MEMBERS TO THE BOARD OF ADJUSTMENT FOR TERMS TO EXPIRE OCTOBER 14, 2008, AND ONE ALTERNATE MEMBER FOR A TERM TO EXPIRE OCTOBER 14, 2009.

Ms. Roberts re-entered the meeting.

Mr. Pickett moved to change the appointment of Lonnie Craine and Cindy Burkett from alternate members to regular members for terms to expire October 14, 2008, and change the appointment of Jack Akin from a reserve alternate member to an alternate member for a term to expire October 14, 2009. Motion was seconded by Mr. Heiman and approved unanimously.

12. APPOINTMENT OF THREE MEMBERS TO THE MESQUITE HOUSING BOARD FOR TERMS TO EXPIRE DECEMBER 3, 2008.

Mr. Tarpley moved to reappoint Randy Murray, Robert Murdock and Charles Bryant as regular members of the Mesquite Housing Board for terms to expire December 3, 2008. Motion was seconded by Ms. Roberts and approved unanimously.

13. APPOINTMENT OF ONE REGULAR MEMBER TO THE PLANNING AND ZONING COMMISSION, PLACE 5, AND CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, FOR A TERM TO EXPIRE SEPTEMBER 30, 2009.

Ms. Roberts moved to appoint Barbara Dunn as a regular member to the Planning and Zoning Commission, Place 5, and Capital Improvements Advisory Committee for a term to expire September 30, 2009. Motion was seconded by Mr. Pickett and approved unanimously.

14. APPOINTMENT OF A CHAIRPERSON FOR THE RODEO CITY TAX INCREMENT FINANCE REINVESTMENT ZONE NO. ONE BOARD OF DIRECTORS TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2008.

Mr. Pickett moved to appoint Mayor Monaco as Chairperson for the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors to serve a one-year term beginning January 1, 2008. Motion was seconded by Mr. Heiman and approved unanimously.

15. APPOINTMENT OF A CHAIRPERSON FOR THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO BOARD OF DIRECTORS TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2008.

Mr. Heiman moved to appoint Ms. Roberts as Chairperson for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors to serve a one-year term beginning January 1, 2008. Motion was seconded by Mr. Pickett and approved unanimously.

16. APPOINTMENT OF FOUR MEMBERS TO THE FALCON'S LAIR TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FOUR BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2009, AND APPOINTMENT OF A CHAIRPERSON TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2008.

Mr. Heiman moved to reappoint David Paschall, Dennis Tarpley, John Monaco and

Minutes of regular City Council meeting held December 3, 2007

Page 7

Don Simons as members of the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors for terms to expire December 31, 2009, and to appoint Mr. Paschall as Chairperson to serve a one-year term beginning January 1, 2008. Motion was seconded by Mr. Pickett and approved unanimously.

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

Judy Womack
City Secretary

John Monaco
Mayor