

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, AUGUST 16, 2010, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Bill Porter, Dennis Tarpley, Al Forsythe, Stan Pickett, Shirley Roberts and Brian Hutcheson, City Manager Ted Barron and City Secretary Sonja Land.

**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) Concerns over misuse of 'K2', (2) Proposed 2010-11 budget and (3) Senior multifamily development on the City-owned 14.256-acre tract located at 3500 Emporium Square.

(1) Council directed staff to prepare an ordinance banning the sale, possession or use of 'K2' in the City of Mesquite.

(2) It was Council consensus to look at additional budget scenarios and requested the City Manager develop some budget options for consideration, including an option with a one-cent property tax increase. This information will be presented at the September 7, 2010, Pre-Meeting.

(3) Due to neighborhood opposition to the proposed multifamily development, the City Council suggested meeting with the homeowners to obtain input on what types of development would be acceptable. A subcommittee consisting of Brian Hutcheson, Al Forsythe and Stan Pickett was appointed to meet with neighborhood representatives.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:18 P.M.**

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Acquisition of property located near the intersection of Oates Drive and Wooded Lake Drive); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:58 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:18 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 (Economic development incentives for prospect seeking to locate in the Skyline Industrial District, Economic development incentives for prospect seeking to locate in the Skyline Trade Center and Economic development incentives for a manufacturing prospect seeking to locate in the Skyline Trade Center); whereupon the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:58 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 Ed Haynes, Pastor, Oates Drive Baptist Church, Mesquite, Texas.

The Pledge of Allegiance was led by Tyler Barton, Brooks Bersterman, Gordie Davis, Will Engel, Zach Evans, Kevin Graff, Colton Hancock, Laine Vance-Jackson, Tucker Jagers, William Pierson and Zach Shaw, members of Boy Scout Troop 138.

**APPOINTMENT FOR PERSONAL APPEARANCE.**

This item was taken out of order.

1. APPOINTMENT – LARRY MARSHALL, 1300 GOLDEN GROVE – DISCUSS ISSUES RELATED TO THE SKYLINE DRIVE AND TOWN EAST BOULEVARD INTERSECTION.

Larry Marshall, 1300 Golden Grove, discussed traffic issues related to the Skyline Drive and Town East Boulevard intersection. Mr. Marshall stated that due to the industrial businesses that are located in the area, many large tractor-trailer trucks utilize the intersection, and he is uncomfortable making left turns from southbound Town East to Skyline Drive due to a perceived left-turn conflict and visibility issues.

Jerry Dittman, Assistant Director of Public Works, stated that staff has met with Mr. Marshall who raised a valid concern. Prior to the Council meeting, staff had adjusted the signal timing to provide a left-turn for the southbound Town East to Skyline Drive movement and eliminate the possibility of two vehicles turning left simultaneously. There have been no accidents at this intersection involving tractor-trailer trucks; however, there have been a small number of single-vehicle accidents due to vehicular loss of control. No sight visibility issues were found during the staff investigation.

**CONSIDERATION OF AN ORDINANCE.**

This item was taken out of order.

2. ORDINANCE NO. 4100 – ANNEXING APPROXIMATELY 1.25 SQUARE MILES OF TERRITORY WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION, ADOPTING A SERVICE PLAN FOR THE PROVISION OF FULL MUNICIPAL SERVICES IN THE AREA SO ANNEXED, DESIGNATING ANNEXED TERRITORY TO BE ZONED AGRICULTURAL, PERMITTING THE POSSESSION, STORAGE, SALE AND HANDLING OF FIREWORKS THROUGH JULY 4, 2011, ON CERTAIN PROPERTIES ANNEXED, EXCLUDING FROM ANNEXATION THOSE PROPERTIES SUBJECT TO A DEVELOPMENT AGREEMENT PURSUANT TO SECTION 43.035 OF THE LOCAL GOVERNMENT CODE, DIRECTING THE CITY SECRETARY TO GIVE NOTICE AS REQUIRED TO ALL AFFECTED JURISDICTIONS, REVISING THE OFFICIAL BOUNDARY LIMITS OF THE CITY AND SETTING AN EFFECTIVE DATE OF ANNEXATION – APPROVED.

**Minutes of regular City Council meeting held August 16, 2010**

**Page 3**

Richard Gertson, Director of Community Development, stated that on June 7, 2010, the City Council adopted a resolution directing the notice of intent to annex 2.0 square miles of territory in the City of Mesquite's extraterritorial jurisdiction in Kaufman County. During the previous two months, the required notices were sent to property owners and three public hearings, as required by law, have been held.

Mr. Gertson presented a map of the revised annexation boundary which reduces the amount of the proposed annexed territory from 1,234 acres to 795 acres, or 1.25 square miles. Union Hill Road, County Road 257 and Farm to Market Road 2757 have been excluded from the revised boundaries. Several property owners have executed development agreements which are in effect for 15 years and will ensure these properties are immune from annexation provided that the owners do not attempt to develop the property. These properties have valid agricultural, wildlife management or timber exemptions under the State Tax Code. The proposed annexation includes a 10-foot pass through strip containing 0.48-acres across the north boundary of the future Heartland Town Center property. All property being annexed will be zoned as agricultural and will be required to conform to the K20 Code. There is a provision in the proposed ordinance to allow the sale of fireworks within the annexed territory at certain locations through July 4, 2011.

Mr. Pickett moved to approve Ordinance No. 4100, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING APPROXIMATELY 1.25 SQUARE MILES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED EAST OF THE EXISTING CITY LIMITS ALONGSIDE INTERSTATE HIGHWAY 20 FROM MUSTANG CREEK TO FARM AND MARKET ROAD 2932 AND GRIFFIN LANE ON THE EAST, AND BETWEEN INTERSTATE HIGHWAY 20 ON THE NORTH AND AN EAST-WEST LINE ALIGNED APPROXIMATELY WITH BLAKEHILL DRIVE TO THE SOUTH, THUS EXTENDING THE BOUNDARY LIMITS OF SAID CITY OF MESQUITE, DALLAS COUNTY, TEXAS, TO INCLUDE SAID LAND WITHIN THE CITY LIMITS AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF ALL OTHER CITIZENS AND MAKING APPLICABLE TO SAID LAND AND ITS INHABITANTS ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; ADOPTING A SERVICE PLAN; DESIGNATING ALL TERRITORY THUS ANNEXED TO BE ZONED AGRICULTURAL; PERMITTING THE POSSESSION, STORAGE, SALE AND HANDLING OF FIREWORKS THROUGH JULY 4, 2011, ON CERTAIN PROPERTIES ANNEXED; EXCLUDING FROM ANNEXATION THOSE PROPERTIES SUBJECT TO A DEVELOPMENT AGREEMENT AUTHORIZED PURSUANT TO SECTION 43.035 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Roberts and approved by all voting "Aye." (Ordinance No. 4100 recorded on page \_\_\_\_\_ of Ordinance Book No. 95.)

**CITIZENS FORUM.**

Brian Andrews, 8540 FM 2757, Forney, thanked the City Council for taking the concerns of the property owners into consideration regarding annexation in the City's extraterritorial jurisdiction.

**CONSENT AGENDA.**

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

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 2, 2010.
4. ORDINANCE NO. 4101 – CREATING THE MESQUITE VETERANS’ AFFAIRS AND MEMORIAL ADVISORY BOARD.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CREATING A MESQUITE VETERANS’ AFFAIRS AND MEMORIAL ADVISORY BOARD CONSISTING OF FIVE MEMBERS APPOINTED TO TWO-YEAR TERMS WITH NO TERM LIMIT; PROVIDING THE OFFICERS OF SUCH BOARD AND ESTABLISHING THEIR DUTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4101 recorded on page \_\_\_\_\_ of Ordinance Book No. 95.)

5. ORDINANCE NO. 4102 – REVISING THE CURRENT SCHEDULE OF CHARGES FOR VARIOUS PARKS AND RECREATION SERVICES TO BE EFFECTIVE ON AND AFTER SEPTEMBER 1, 2010.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE CURRENT SCHEDULE OF CHARGES FOR VARIOUS PARKS AND RECREATION SERVICES TO BE EFFECTIVE ON AND AFTER SEPTEMBER 1, 2010; REPEALING ORDINANCE NO. 3996; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4102 recorded on page \_\_\_\_\_ of Ordinance Book No. 95.)

6. RESOLUTION NO. 37-2010 – AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE ALL DOCUMENTS WITH THE STATE OF TEXAS REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE IMPROVEMENTS TO THE MESQUITE METRO AIRPORT SPECIFICALLY FOR LAND ACQUISITION FOR FUTURE DEVELOPMENT ON THE WESTERN BORDER OF THE AIRPORT AND FOR THE EXPANSION AND PROTECTION OF THE FUTURE RUNWAY PROTECTION ZONE.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE ALL DOCUMENTS WITH THE STATE OF TEXAS REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE IMPROVEMENTS TO THE MESQUITE METRO AIRPORT SPECIFICALLY FOR LAND ACQUISITION FOR FUTURE DEVELOPMENT ON THE WESTERN BORDER OF THE AIRPORT AND FOR THE EXPANSION AND PROTECTION OF THE FUTURE RUNWAY PROTECTION ZONE (“RPZ”). (Resolution No. 37-2010 recorded on page \_\_\_\_\_ of Resolution Book No. 44.)

**Minutes of regular City Council meeting held August 16, 2010**

**Page 5**

7. CITY MANAGER APPOINTED AS THE EMPLOYER REPRESENTATIVE TO OVERSEE THE 401(a) PLAN, ALSO KNOWN AS THE SUPPLEMENTAL RETIREMENT PLAN.
8. APPROVED THE AWARD OF SPECIAL COMMISSIONERS IN THE AMOUNT OF \$62,760.00 TO ACQUIRE RIGHTS-OF-WAY AND EASEMENTS FOR THE PIONEER ROAD PAVING AND DRAINAGE IMPROVEMENTS PROJECT AND SOUTH MESQUITE CREEK SANITARY SEWER TRUNK MAIN REPLACEMENT, PHASE 2.
9. RECEIVED SEMIANNUAL REPORT FROM THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 395.058(C)(4) OF THE TEXAS LOCAL GOVERNMENT CODE.
10. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.  
(CE2008-060, Annual Supply of Heavy-Duty Chevrolet Truck OEM Parts – \$6,000.00.)

**END OF CONSENT AGENDA.**

**APPOINTMENTS TO BOARDS AND COMMISSIONS.**

10. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE JANUARY 1, 2012.

Mr. Pickett moved to appoint Bruce Archer as an alternate member to the Board of Adjustment for a term to expire January 1, 2012. Motion was seconded by Ms. Roberts and approved unanimously.

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

---

Sonja Land  
City Secretary

---

John Monaco  
Mayor