

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M., SEPTEMBER 18, 2007, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 11:30 A.M.

The City Council met in the City Council Conference Room beginning at 11:30 a.m., to discuss the items on the Work and Regular Agenda and discuss: (1) proposed amendments to Section 5-144 of the City Code regarding fence materials and (2) election process outlined in Article IV, Section 10 of Mesquite City Code.

WORK SESSION – CITY COUNCIL CHAMBER – 1:05 P.M.

A. MONTHLY FINANCIAL REPORT FOR JULY 2007 - RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for July 2007.

The Work Session ended at 1:20 p.m.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:28 P.M.

Mayor Pro Tem Paschall announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider purchase, sale, exchange, lease or value of real property (sale of property located at 1505 Edwards Church Road); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:44 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 Councilmember John Heiman.

The Pledge of Allegiance was led by RASP [Recreation After School Program] participants from Goodbar Recreation Center.

CITIZENS FORUM.

Sam Cline, 1612 Edgemont Drive, expressed opposition to the upcoming November 6, 2007, Special Local Option Election.

APPOINTMENTS FOR PERSONAL APPEARANCE.

1. APPOINTMENT – SHIRLEY RAY THOMAS, 2405 AUTUMNDALE DRIVE – REQUEST FOR PLACING ALL UTILITIES UNDERGROUND BEGINNING WITH THE TRIPP ROAD WIDENING PROJECT, FROM BELT LINE ROAD TO NORTH GALLOWAY AVENUE.

Shirley Ray Thomas, 2405 Autumndale Drive, requested the Council consider placing all utilities underground beginning with the Tripp Road widening project, from Belt Line Road to North Galloway Avenue. She stated that telephone poles and power lines are unsightly and obstruct tree growth.

Tim Tumulty, Director of Public Works, explained that the cost to install franchise utilities underground for the Tripp Road Reconstruction Project is estimated at \$1.5 to \$2 million. There would also be an additional cost of \$5,000 to \$10,000 per service line to each homeowner or commercial business owner along Tripp Road to place all utilities including the franchise utility lines underground. The utility companies would absorb the cost up to the right-of-way line but the homeowner or commercial business owner would be responsible for the cost to place the lines across their property.

Matt Holzapfel, City Engineer, stated that the Tripp Road Reconstruction Project will contain substantial improvements and aesthetic features. At the Tripp Road and Belt Line Road intersection, a signature bridge will be constructed with a seven-barrel arch design containing a rock facing and decorative lighting. At the intersection of Tripp Road and Belt Line Road there will be a gateway feature with the City's name displayed along with tall towers and extensive landscaping. The intersections at Heatherdale Drive and Brookhaven Drive will include additional enhancements such as pavestone crosswalks, landscaping and lighted bollards which will match the towers at the main entrance at Belt Line Road.

Councilmembers expressed support for aesthetic features, amenities and enhancements to be incorporated into future projects.

Mr. Paschall expressed appreciation to Ms. Thomas for her concerns and suggestions regarding ways to enhance the City's image and explained that the Council is also concerned about the appearance of the City. He stated the Council will consider the cost and feasibility of underground franchise utilities as part of future capital projects.

2. A. APPOINTMENT – A REPRESENTATIVE OF ONE MESQUITE CREEK, L.P., A TEXAS LIMITED PARTNERSHIP – REQUEST THE COUNCIL CONSIDER PARTICIPATING IN THE COST TO INSTALL DRAINAGE IMPROVEMENTS IN CONJUNCTION WITH DEVELOPMENT OF THE VILLAS AT MESQUITE CREEK APARTMENTS LOCATED ON GROSS ROAD.

Hal Thorne, representing One Mesquite Creek, L.P., requested the Council consider participating in the cost to install drainage improvements in conjunction with the development of The Villas at Mesquite Creek Apartments located on Gross Road in the amount of \$250,000. He stated that the new sanitary sewer trunk main is approximately 90 percent complete and the developer's focus is now on drainage issues affecting approximately 160 acres of land that drain onto the site. In January 2007, the developer's original storm sewer engineer designed a drainage system estimated to cost approximately \$1 million. At that time, the City was requested to participate in the cost to construct the drainage improvements for off-site improvements at Gross Road in an amount not to exceed \$250,000. Since then, a new drainage engineer was hired to complete the design work for the drainage project. As bids were opened for the project, it was determined that the cost of construction to complete the off-site drainage project would be higher than originally estimated. Mr. Thorne ended by stating that the drainage work on Gross Road should be completed within the next 45 days. And, completion of the club house and first apartments is anticipated by the fall of 2008.

Mr. Monaco stated that due to the number of amenities including underground utility lines, he will support the City's participation in an amount not to exceed \$250,000.00.

Mayor Pro Tem Paschall explained that there is an under-sized drainage pipe beneath Gross Road that the City had planned to enlarge. With this development, the project will be moved up and completed in conjunction with construction of The Villas at Mesquite Creek. The developer has designed a system that includes amenities such as a linear pond, park benches and enhanced landscaping. He stated that since the developer has met all of the City's requirements, he will also support the City's participation in this project.

Richard Gertson, Director of Community Development, stated that the developer has agreed to include all amenities along the drainage channel previously discussed with Council and staff.

Mr. Tarpley stated that he will support the City's participation in this project due to the fact that the City would be required to perform this work in the near future anyway.

- B. ORDINANCE NO. 3888 – AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPER'S PARTICIPATION AGREEMENT WITH ONE MESQUITE CREEK, L.P., A TEXAS LIMITED PARTNERSHIP, FOR CONSTRUCTION OF AN OFF-SITE DRAINAGE CONCRETE BOX CULVERT IN CONJUNCTION WITH THE VILLAS AT MESQUITE CREEK APARTMENTS IN AN AMOUNT NOT TO EXCEED \$250,000.00 – APPROVED.

Mr. Pickett moved to approve Ordinance No. 3888, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPER PARTICIPATION AGREEMENT WITH ONE MESQUITE CREEK, L.P., A TEXAS LIMITED PARTNERSHIP, TO INCREASE THE CAPACITY OF THE DRAINAGE SYSTEM IN GROSS ROAD BY CONSTRUCTION OF APPROXIMATELY 458 FEET OF SEVEN FOOT BY FOUR-FOOT CONCRETE BOX CULVERT IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR THE VILLAS AT MESQUITE CREEK PROJECT; PROVIDING A REPEALER CLAUSE;

PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Monaco and approved by all voting "Aye." (Ordinance No. 3888 recorded on page of Ordinance Book No. 87.)

CONSENT AGENDA.

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

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 4, 2007.
4. ORDINANCE NO. 3889 – ADOPTING A DEBT MANAGEMENT POLICY.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING A DEBT MANAGEMENT POLICY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3889 recorded on page of Ordinance Book No. 87.)

5. ORDINANCE NO. 3890 – AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPER'S PARTICIPATION AGREEMENT WITH ONE MESQUITE CREEK, L.P., A TEXAS LIMITED PARTNERSHIP, FOR CONSTRUCTION OF A 15-INCH SANITARY SEWER MAIN IN CONJUNCTION WITH THE VILLAS AT MESQUITE CREEK APARTMENTS IN AN AMOUNT NOT TO EXCEED \$185,924.00.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPER PARTICIPATION AGREEMENT WITH ONE MESQUITE CREEK, L.P., A TEXAS LIMITED PARTNERSHIP, TO REPLACE, INCREASE IN SIZE AND RELOCATE APPROXIMATELY 1,950 FEET OF EXISTING 10-INCH AND 12-INCH DIAMETER VITRIFIED CLAY SANITARY SEWER MAIN IN AN AMOUNT NOT TO EXCEED \$185,924 FOR THE VILLAS AT MESQUITE CREEK PROJECT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 3890 recorded on page of Ordinance Book No. 87.)

6. RESOLUTION NO. 38-2007 – ADOPTING THE INVESTMENT POLICY.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INVESTMENT POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 38-2007 recorded on page of Resolution Book No. 40.)

7. A. RESOLUTION NO. 39-2007 – APPROVING AN ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH THE DALLAS COUNTY ELECTIONS DEPARTMENT FOR THE SPECIAL ELECTION/LOCAL OPTION ELECTION TO BE HELD NOVEMBER 6, 2007.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH THE DALLAS COUNTY ELECTIONS DEPARTMENT FOR THE SPECIAL ELECTION/LOCAL OPTION ELECTION TO BE HELD NOVEMBER 6, 2007; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 39-2007 recorded on page _____ of Resolution Book No. 40.)

- B. RESOLUTION NO. 40-2007 – APPROVING AN ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH THE KAUFMAN COUNTY ELECTIONS DEPARTMENT FOR THE SPECIAL ELECTION/LOCAL OPTION ELECTION TO BE HELD NOVEMBER 6, 2007.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH KAUFMAN COUNTY FOR THE SPECIAL ELECTION/LOCAL OPTION ELECTION TO BE HELD NOVEMBER 6, 2007; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 40-2007 recorded on page _____ of Resolution Book No. 40.)

8. RESOLUTION NO. 41-2007 – APPOINTING A REPRESENTATIVE TO DALLAS COUNTY ELECTIONS DEPARTMENT'S EARLY VOTING BALLOT BOARD FOR THE NOVEMBER 6, 2007, SPECIAL LOCAL OPTION ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPOINTING A REPRESENTATIVE TO SERVE ON DALLAS COUNTY ELECTIONS DEPARTMENT'S EARLY VOTING BALLOT BOARD FOR THE NOVEMBER 6, 2007, SPECIAL ELECTION/LOCAL OPTION ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 41-2007 recorded on page _____ of Resolution Book No. 40.)

9. RESOLUTION NO. 42-2007 – ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES IN DALLAS AND KAUFMAN COUNTIES FOR THE NOVEMBER 6, 2007, SPECIAL LOCAL OPTION ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE SPECIAL ELECTION/LOCAL OPTION ELECTION TO BE HELD NOVEMBER 6, 2007; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 42-2007 recorded on page _____ of Resolution Book No. 40.)

10. RESOLUTION NO. 43-2007 – AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF ALLEN ALLOWING THE PURCHASE OF VARIOUS GOODS AND SERVICES.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF ALLEN TO ESTABLISH A COOPERATIVE PURCHASING PROGRAM BETWEEN THE TWO CITIES. (Resolution No. 43-2007 recorded on page of Resolution Book No. 40.)

11. RESOLUTION NO. 44-2007 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY IN CONJUNCTION WITH THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK FOR FISCAL YEAR 2007-08 IN AN AMOUNT NOT TO EXCEED \$78,500.00 WITH RENEWAL OPTIONS FOR FOUR ADDITIONAL ONE-YEAR TERMS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR FISCAL YEAR 2007-08 FOR AN AMOUNT NOT TO EXCEED \$78,500.00 IN CONNECTION WITH THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK WITH OPTIONS TO RENEW FOR FOUR ADDITIONAL ONE-YEAR TERMS; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Resolution No. 44-2007 recorded on page of Resolution Book No. 40.)

12. RFP NO. 2007-085 – PURCHASE AND INSTALLATION OF A NEW RADIO COMMUNICAITONS TOWER – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER SABRE COMMUNICATIONS CORPORATION IN THE AMOUNT OF \$68,474.00.
13. RFP NO. 2008-004 – ADMINISTRATIVE SERVICES FOR CIGNA GROUP MEDICAL PLANS FOR 2008 – CITY MANAGER AUTHORIZED TO EXECUTE THE 2008 ADMINISTRATIVE FEE RENEWAL AGREEMENT WITH CIGNA HEALTHCARE, INC., SERVING AS THE NETWORK PROVIDER AND THIRD PARTY ADMINISTRATOR FOR THE BASIC OAP, HRA-OAP AND HMO MEDICAL PLANS EFFECTIVE JANUARY 1, 2008.
14. RFP NO. 2008-005 – CIGNA DENTAL PLANS FOR 2008 – CITY MANAGER AUTHORIZED TO EXECUTE THE 2008 PREMIUM RENEWAL AGREEMENT WITH CIGNA DENTAL PROVIDING EMPLOYEE/RETIREE DPPO AND DHMO DENTAL PLANS EFFECTIVE JANUARY 1, 2008.
15. RFP NO. 2008-007 – CASUALTY INSURANCE RENEWAL FOR 2007-08 POLICY YEAR – CITY MANAGER AUTHORIZED TO EXECUTE THE CASUALTY LINES OF COVERAGE WITH TEXAS MUNICIPAL LEAGUE – INTER-GOVERNMENTAL RISK POOL EFFECTIVE OCTOBER 1, 2007.
16. BID NO. 2008-023 – ANNUAL RADIO MAINTENANCE – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH MOTOROLA, INC., IN THE AMOUNT OF \$291,100.32.

17. APPOINTMENT OF DR. JESSIE DOYAL AS THE COORDINATING PHYSICIAN FOR THE MESQUITE PUBLIC HEALTH CLINIC FOR A ONE-YEAR TERM TO EXPIRE SEPTEMBER 30, 2008.
18. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 3 TO CITY CONTRACT NO. 2006-033 WITH GLENN THURMAN, INC., IN CONJUNCTION WITH THE EDWARDS CHURCH ROAD IMPROVEMENT PROJECT IN THE AMOUNT OF \$39,116.00.
19. CITY MANAGER AUTHORIZED TO EXECUTE AN ENGINEERING DESIGN SERVICES CONTRACT WITH BINKLEY & BARFIELD, INC., FOR THE CONCRETE THOROUGHFARE PAVEMENT REPAIR PROJECT IN THE AMOUNT OF \$191,000.00.
20. CITY MANAGER AUTHORIZED TO EXECUTE AN ENGINEERING DESIGN SERVICES CONTRACT WITH C&P ENGINEERING, LTD., FOR THE NORTHRIDGE ADDITION SANITARY SEWER REHABILITATION PROJECT, PHASES 1, 2 AND 3 IN THE AMOUNT OF \$667,730.00.
- B. BID NO. 2008-032 – PURCHASE OF TWO 1500-GPM PUMPER TRUCKS – AWARDED TO CRIMSON FIRE, REPRESENTED BY METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT OF \$908,456.00.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

21. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH SUN LIFE OF CANADA, L.L.C., TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY – HELD.

A public hearing was held to consider a program with Sun Life of Canada, L.L.C., to promote economic development and stimulate business and commercial activity.

No one appeared regarding a program with Sun Life of Canada, L.L.C., to promote economic development and stimulate business and commercial activity. Mayor Pro Tem Paschall declared the public hearing closed.

- B. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH SUN LIFE OF CANADA, L.L.C., TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT – POSTPONED UNTIL THE

OCTOBER 2, 2007, CITY COUNCIL MEETING.

Mr. Heiman left the meeting.

Mr. Monaco moved to postpone consideration of a resolution approving the terms and conditions of a program with Sun Life of Canada, L.L.C., to promote economic development and stimulate business and commercial activity until the October 2, 2007, City Council meeting to allow staff to prepare a final draft ordinance for Council approval. Motion was seconded by Ms. Roberts. On call for a vote on the motion, the following votes were cast:

Ayes: Monaco, Roberts, Tarpley, Paschall, Pickett

Nayes: None

Absent: Heiman

Motion carried.

22. A. CONSIDERATION OF ORDINANCES RELATING TO THE 2007-08 BUDGET.

Mr. Heiman returned to the meeting.

Mayor Pro Tem Paschall stated that the annual budget is one of the most important issues the Council considers each year. Council and staff have been working on the proposed 2007-08 budget for the past several months. This budget is unlike any budget in the past for it was developed around a concept called Project Renewal. Some objectives of the upcoming budget and Project Renewal are focusing on and strengthening revenue sources, revitalizing aging neighborhoods, upgrading the housing stock and improving the image of the City. Several new positions have been added with this budget including seven positions in the Police Department, a code enforcement officer who will focus on building inspection and urban renewal, an emergency management position, solid waste positions and a new marketing coordinator position.

Mayor Pro Tem Paschall commended former Mayor Mike Anderson for his efforts in leading the Council and staff through the budget process this past year.

Mayor Pro Tem Paschall invited anyone interested in discussing the proposed budget to speak. No one came forward.

Mr. Monaco moved to approve the following ordinances relating to the 2007-08 budget including the original proposals for water rates and sewer rates for Agenda Item Nos. 22A(3)(a) & (b). Motion was seconded by Mr. Heiman and approved unanimously.

(1) ORDINANCE NO. 3891 – AN APPROPRIATION ORDINANCE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FUNDS FOR THE FISCAL YEAR 2007-08 BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT

OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; PROVIDING A REPEALER CLAUSE; PROVING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3891 recorded on page of Ordinance Book No. 88.)

- (2) ORDINANCE NO. 3892 – DESIGNATING THE OFFICIAL POPULATION OF THE CITY OF MESQUITE, TEXAS, AS 136,750.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY AS OF OCTOBER 1, 2007; AND DECLARING AN EMERGENCY. (Ordinance No. 3892 recorded on page of Ordinance Book No. 88.)

- (3) a. ORDINANCE NO. 3893 – SETTING WATER RATES, EFFECTIVE OCTOBER 1, 2007.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 16-1 IN ITS ENTIRETY AND ADDING A NEW SECTION 16-1 THEREBY AMENDING THE RATES CHARGED FOR SERVICES PROVIDED BY THE WATER DEPARTMENT OF THE CITY OF MESQUITE; ESTABLISHING OCTOBER 1, 2007, AS THE DATE SUCH RATES BECOME EFFECTIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3893 recorded on page of Ordinance Book No. 88.)

- b. ORDINANCE NO. 3894 – SETTING SEWER RATES, EFFECTIVE OCTOBER 1, 2007.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 16-59(a) IN ITS ENTIRETY AND ADDING A NEW SECTION 16-59(a) THEREBY AMENDING THE RATES CHARGED FOR SERVICES FURNISHED BY THE SANITARY SEWER SYSTEM OF THE CITY OF MESQUITE; ESTABLISHING OCTOBER 1, 2007, AS THE DATE SUCH RATES BECOME EFFECTIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3894 recorded on page of Ordinance Book No. 88.)

- (4) ORDINANCE NO. 3895 – SETTING THE RESIDENTIAL SOLID WASTE RATE, EFFECTIVE OCTOBER 1, 2007.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MESQUITE BY DELETING THE SECOND PARAGRAPH OF SECTION 14-30 IN ITS ENTIRETY AND ADDING A NEW SECOND PARAGRAPH TO SECTION 14-30 THEREBY AMENDING THE RESIDENTIAL SOLID WASTE COLLECTION RATES; ESTABLISHING OCTOBER 1, 2007, AS THE DATE

SUCH RATE BECOMES EFFECTIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3895 recorded on page of Ordinance Book No. 88.)

- (5) ORDINANCE NO. 3896 – INCREASING THE NUMBER OF POSITIONS IN THE POLICE DEPARTMENT IN THE CLASSIFICATION OF POLICE OFFICER FROM 183 TO 188, EFFECTIVE OCTOBER 1, 2007.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, INCREASING THE NUMBER OF POSITIONS IN THE POLICE DEPARTMENT IN THE CLASSIFICATION OF POLICE OFFICER FROM 183 TO 188; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 3896 recorded on page of Ordinance Book No. 88.)

- (6) ORDINANCE NO. 3897 – INCREASING THE NUMBER OF POSITIONS IN THE FIRE DEPARTMENT IN THE CLASSIFICATION OF LIEUTENANT FROM 17 TO 20; INCREASING THE NUMBER OF POSITIONS IN THE CLASSIFICATION OF DRIVER-ENGINEER FROM 30 TO 33; AND DECREASING THE NUMBER OF POSITIONS IN THE CLASSIFICATION OF FIREFIGHTER FROM 116 TO 110, EFFECTIVE OCTOBER 1, 2007.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, INCREASING THE NUMBER OF POSITIONS IN THE FIRE DEPARTMENT IN THE CLASSIFICATION OF LIEUTENANT FROM 17 TO 20 AND DRIVER-ENGINEER FROM 30 TO 33; DECREASING THE NUMBER OF POSITIONS IN THE FIRE DEPARTMENT IN THE CLASSIFICATION OF FIREFIGHTER FROM 116 TO 110; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 3897 recorded on page of Ordinance Book No. 88.)

- (7) ORDINANCE NO. 3898 – ADOPTING THE 2007-08 PAY PLANS, EFFECTIVE SEPTEMBER 22, 2007.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING REVISED PAY PLANS FOR CLASSIFIED, FIRE AND POLICE PERSONNEL, AND OTHER CLASSIFIED CITY EMPLOYEES WITH AN EFFECTIVE DATE OF SEPTEMBER 22, 2007; PROVIDING THAT THE CIVIL SERVICE CLASSIFICATIONS AND POSITIONS SET FORTH IN THE 2007-08 FISCAL YEAR BUDGET ARE HEREBY ESTABLISHED; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3898 recorded on page of Ordinance Book No. 88.)

- B. ORDINANCE NO. 3899 – LEVYING THE AD VALOREM TAXES FOR THE YEAR 2007.

Mr. Monaco moved that the property taxes be increased by the adoption of a tax rate of \$0.64 per \$100 of valuation and to approve Ordinance No. 3899, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2007 AT A RATE OF \$0.64 PER \$100.00 ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE AS OF JANUARY 1, 2007, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR PLACE OF PAYMENT; APPROVING THE 2007 TAX ROLLS AND ANY SUPPLEMENT THERETO; PROVIDING CERTAIN EXEMPTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Heiman and approved by all voting "Aye." (Ordinance No. 3899 recorded on page of Ordinance Book No. 88.)

C. ORDINANCE NO. 3900 – RATIFYING THE INCREASE IN PROPERTY TAX REVENUE IN THE FISCAL YEAR 2007-08 BUDGET.

Mr. Heiman moved to approve Ordinance No. 3900, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE INCREASE OF PROPERTY TAX REVENUE REFLECTED IN THE FISCAL YEAR 2007-08 BUDGET FOR SAID PERIOD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Ordinance No. 3900 recorded on page of Ordinance Book No. 88.)

D. AMENDMENT NOS. 1 THROUGH 6 TO THE 2006-07 POLICE SEIZURE BUDGET IN COMPLIANCE WITH CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE IN THE AMOUNT OF \$661,371.00 – APPROVED.

Mr. Tarpley moved to approve Amendment Nos. 1 through 6 to the 2006-07 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$661,371.00. Motion was seconded by Ms. Roberts and approved unanimously.

23. PUBLIC HEARING – ZONING – APPLICATION NO. 1419-2 SUBMITTED BY BALDWIN & ASSOCIATES ON BEHALF OF AN UNKNOWN END-USER – POSTPONED.

A public hearing was held to consider Application No. 1419-2 submitted by Baldwin & Associates on behalf of an unknown end-user for a zoning change from Commercial to Industrial at Commerce East Business Park, Block A, Lots 7 and 10. This property is further described as a 2.525-acre tract located at 1906 and 1908 Eastover Drive.

Vickie Rader, representing Baldwin & Associates, presented the zoning application. She stated that the property is owned by Buckner Baptist Benevolence Foundation and contains two

different zonings thus making it difficult to market and develop the property. She stated that the identity of the proposed end-user has not been confirmed at this time but understands it will be warehouse usage.

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

Mr. Heiman expressed concern regarding approving a change in zoning when the identity of the end-user is not known.

Mr. Heiman moved to deny Application No. 1419-2 for a zoning change from Commercial to Industrial at 1906 and 1908 Eastover Drive.

Mr. Monaco asked if Mr. Heiman would consider a postponement.

Mr. Heiman amended his motion. He moved to postpone consideration of Application No. 1419-2 for a zoning change from Commercial to Industrial at 1906 and 1908 Eastover Drive until an October City Council meeting to enable the applicant to identify the end-user. Motion was seconded by Mr. Monaco and approved unanimously.

24. PUBLIC HEARING – ZONING – SUBMITTED BY SAMI SHARIF – POSTPONED.

A public hearing was held to consider Application No. 1419-2 submitted by Sami Sharif for a zoning change from Industrial to Planned Development – Industrial to allow the property to be used for a convenience store and restaurant with multiple fuel pumps in addition to other uses allowed at Skyline Business Park, Section 2, Block D, Lot 4, Daniel Tanner Survey, Abstract 1462. This property is further described as a 4.29-acre tract located on the north corner of South Town East Boulevard and Forney Avenue.

Alvin Keal, representing RK Planning, presented the zoning application. He stated that Richard King, who was scheduled to present the zoning application, is in the hospital after having a heart attack and will not be attending the meeting. Mr. Keal confirmed that Mr. King agrees with the stipulations recommended by the Planning and Zoning Commission. He presented 13 letters from surrounding residents in favor of the application to Richard Gertson, Director of Community Development.

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

Mr. Monaco moved to postpone consideration of Application No. 1462-256 for a zoning change from Industrial to Planned Development – Industrial until an October City Council meeting. Motion was seconded by Mr. Pickett and approved unanimously.

OTHER BUSINESS.

25. SPECIAL CITY COUNCIL MEETING SCHEDULED TO BE HELD NOVEMBER 19, 2007, AT 11:00 A.M. TO CANVASS THE RETURNS FOR THE NOVEMBER 6, 2007, SPECIAL LOCAL OPTION ELECTION.

Mr. Heiman moved to schedule a special City Council meeting to be held on November 19, 2007, at 11:00 a.m. to canvass the returns for the November 6, 2007, Special Local Option Election. Motion was seconded by Mr. Monaco and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

26. APPOINTMENT OF ONE MEMBER TO THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2008, AND APPOINTMENT OF A CHAIRPERSON FOR A TERM TO EXPIRE DECEMBER 31, 2007.

Mr. Pickett moved to appoint Shirley Roberts as a member of the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for a term to expire December 31, 2008, and to appoint Shirley Roberts as Chairperson for a term to expire December 31, 2007. Motion was seconded by Mr. Monaco and approved unanimously.

Mr. Heiman moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 3:50 p.m.

Judy Womack
City Secretary

David Paschall
Mayor Pro Tem