

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M.,  
JANUARY 7, 2008, 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 – 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 Regular Agenda and (1) discuss City-owned property and receive: (2) briefing regarding the Section 8 Task Force and (3) FY 2007-08 alley/street improvement funding strategies.

(2) It was Council consensus to continue the current approach regarding the Section 8 Task Force.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:31 P.M.**

The City Council met in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney (Legislation passed during the 79<sup>th</sup> Texas Legislative Session regarding Meet and Confer regulations). After the closed meeting ended at 2:23 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 2:45 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 (prospect seeking to expand in the Town East Retail and Restaurant Area [TERRA]). After the closed meeting ended at 2:48 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 Dr. Tom Wilbanks, Pastor, First Presbyterian Church, Mesquite, Texas.

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

**SPECIAL ANNOUNCEMENT.**

Mr. Paschall announced that he would not be seeking re-election in Place 4 in May. He expressed appreciation to his family including his wife Alexa and children Julia, Matthew and Laura for their support and to everyone in the community who has supported him over the last 10 years.

**CONSENT AGENDA.**

Item No. 3 was removed from the Consent Agenda to be considered separately. Mr. Paschall moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Heiman and approved unanimously.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 17, 2007.
2. RESOLUTION NO. 01-2008 – CASTING A VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, CASTING ITS VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT. (Resolution No. 01-2008 recorded on page                      of Resolution Book No. 40.)

4. RESOLUTION NO. 02-2008 – AUTHORIZING THE FILING OF A PROJECT APPLICATION IN THE AMOUNT OF \$98,700.00 WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS TO IMPLEMENT A CURBSIDE RECYCLING BIN PILOT PROGRAM AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE APPLICATION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE FILING OF A PROJECT APPLICATION IN THE AMOUNT OF \$98,700 WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO IMPLEMENT A CURBSIDE RECYCLING BIN PILOT PROGRAM; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF MESQUITE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT ALL APPROVED PROJECTS WILL COMPLY WITH THE PROJECT REQUIREMENTS OF THE NCTCOG, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND THE STATE OF TEXAS. (Resolution No. 02-2008 recorded on page                      of Resolution Book No. 40.)

5. BID NO. 2008-025 – THREE STANDARD 16-PASSENGER CUT-AWAY CHASSIS-TYPE BUSES – AWARDED TO LOW BIDDER NATIONAL BUS SALES IN THE AMOUNT OF \$171,825.00.

6. RFP NO. 2008-027 – ANNUAL CONTRACT FOR TEMPORARY PERSONNEL SERVICES – AWARDED TO LABOR READY.
7. BID NO. 2008-061 – ANNUAL MAINTENANCE OF COMPUTER AIDED DISPATCH (CAD)/RECORDS MANAGEMENT SYSTEM (RMS)/PREMIER MOBILE DATA COMPUTER (PMDC) – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH SOLE SOURCE PROVIDER MOTOROLA, INC., IN THE TOTAL AMOUNT OF \$258,339.00.
8. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 3 TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH C&P ENGINEERING, LTD., FOR PREPARATION OF BID DOCUMENTS FOR THE INNOVATIVE WAY WATER MAIN EXTENSION IN CONJUNCTION WITH THE 2004-05 STREET, WATER AND SANITARY SEWER RECONSTRUCTION PROJECT IN THE AMOUNT OF \$2,753.00.
9. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 4 TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH RJN GROUP, INC., IN CONJUNCTION WITH THE PREPARATION OF DIGITAL RECORD DRAWINGS FOR THE IH 635/BRUTON ROAD/CARTWRIGHT ROAD WATER LINE CROSSING PROJECT IN THE AMOUNT OF \$1,500.00.
10. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 7 TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH HALFF ASSOCIATES, INC., FOR ADDITIONAL SURVEYING SERVICES IN CONJUNCTION WITH THE EDWARDS CHURCH ROAD RECONSTRUCTION PROJECT IN THE AMOUNT OF \$1,219.25.
11. CITY MANAGER AUTHORIZED TO EXECUTE AN INTERLOCAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) ALLOWING THE CITY TO REDUCE EMPLOYMENT ADVERTISING EXPENSES BY UTILIZING THE DALLAS MORNING NEWS FOR EMPLOYMENT ADVERTISING THROUGH NCTCOG.
12. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH MESA DESIGN GROUP FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH THE I 30 GATEWAY PROJECT IN THE AMOUNT OF \$273,300.00.
13. CITY MANAGER AUTHORIZED TO EXECUTE A LETTER OF ENGAGEMENT WITH BURSON-MARSTELLER, LLC, REGARDING THE COMPREHENSIVE COMMUNICATIONS PLAN IN AN AMOUNT NOT TO EXCEED \$229,800.00.

14. AUTHORIZED THE PURCHASE AND INSTALLATION OF OPTICOM TRAFFIC SIGNAL PREEMPTION EQUIPMENT AT 23 LOCATIONS, ALONG WITH SPARE PARTS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS, FROM CONSOLIDATED TRAFFIC CONTROLS, INC., IN THE AMOUNT OF \$204,488.24.

**CONSENT AGENDA ITEM CONSIDERED SEPARATELY.**

3. A RESOLUTION APPROVING AMENDMENTS TO THE MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR FISCAL YEAR 2007-08 – POSTPONED UNTIL THE FEBRUARY 18, 2008, CITY COUNCIL MEETING.

Mr. Paschall moved to postpone consideration of a resolution approving amendments to the Mesquite Quality of Life Corporation budget for fiscal year 2007-08 until the February 18, 2008, City Council meeting. Motion was seconded by Mr. Heiman and approved unanimously.

**END OF CONSENT AGENDA.**

**SITE PLAN AND PUBLIC HEARINGS.**

15. PLANNED DEVELOPMENT SITE PLAN FOR THE 259.359-ACRE RIDGE RANCH DEVELOPMENT – APPROVED.

Mr. Pickett abstained from discussion regarding this item and left the meeting.

A Planned Development Site Plan for the 259.359-acre Ridge Ranch development located at the southwest corner of Cartwright Road and Lawson Road was considered.

Mardy Brown, Dowdey Anderson and Associates, presented the planned development site plan. He explained that the site plan was basically the same plan that was presented to Council as the concept plan on August 6, 2007. However, additional information regarding the amenity center was added. Mr. Brown stated that a preliminary plat for the entire tract is being finalized. The developer is working with the Mesquite Independent School District's engineer and architect regarding the inclusion of an elementary school on the site. Mr. Brown confirmed that the large plans submitted reflect the final design.

Richard Gertson, Director of Community Development, stated that the planned development site plan being presented conforms with the City's zoning requirements.

Mr. Paschall stated that an ordinance was approved at the August 6, 2007, City Council meeting rezoning this property. State law provides that if a site plan is submitted to Council that conforms to the zoning ordinance, Council has no discretion whether to reject or approve the site plan. Mr. Paschall stated that even though he originally opposed the zoning, he will be supportive of the site plan because it conforms to the zoning ordinance.

Mr. Heiman moved to approve the Planned Development Site Plan for the 259.359-acre Ridge Ranch development located at the southwest corner of Cartwright Road and Lawson Road. Motion was seconded by Mr. Tarpley. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

16. PUBLIC HEARING – ZONING – APPLICATION NO. 170-28 SUBMITTED BY JAIBY JOSEPH, ON BEHALF OF KWIKWAY FOOD STORE, FOR A ZONING CHANGE FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW TRUCK RENTALS AT 1745 NORTH BELT LINE ROAD – DENIED.

Mr. Pickett re-entered the meeting.

A public hearing was held to consider Application No. 170-28 submitted by Jaiby Joseph, on behalf of Kwikway Food Store, for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow truck rentals at Belt Line Range, Block B, Lot 1. This property is further described as a 0.64-acre tract located at 1745 North Belt Line Road. The Planning and Zoning Commission recommended denial of the application.

The applicant was not present.

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

Mr. Heiman moved to deny Application No. 170-28 for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow truck rentals at 1745 North Belt Line Road. Motion was seconded by Ms. Roberts and approved unanimously.

17. PUBLIC HEARING – APPLICATION NO. 261-31 SUBMITTED BY KENT JONES, INC., FOR A ZONING CHANGE FROM COMMERCIAL AND PLANNED DEVELOPMENT – MULTI-FAMILY TO PLANNED DEVELOPMENT – COMMERCIAL AT THE SOUTHWEST CORNER OF U.S. HIGHWAY 80 AND BIG TOWN BOULEVARD – POSTPONED UNTIL THE FEBRUARY 18, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 261-31 submitted by Kent Jones, Inc., for a zoning change from Commercial and Planned Development – Multi-Family to Planned Development – Commercial in the Big Town Addition. This property is further described as an 89.75-acre tract formerly occupied by Big Town Mall located at the southwest

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corner of U.S. Highway 80 and Big Town Boulevard. This item was postponed at the December 17, 2007, City Council meeting.

Richard Gertson, Director of Community Development, stated that the applicant and City staff are requesting postponement of this item until the February 18, 2008, City Council meeting to allow additional time to finalize the concept plan.

Mr. Heiman moved to postpone consideration of Application No. 261-31 until the February 18, 2008, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

18. A. PUBLIC HEARING – TO CONSIDER A PROGRAM WITH KENT JONES, INC., TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE BIG TOWN ADDITION, FORMERLY OCCUPIED BY BIG TOWN MALL – POSTPONED UNTIL THE FEBRUARY 18, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider a program with Kent Jones, Inc., to promote economic development and stimulate business and commercial activity in conjunction with development in the Big Town Addition, formerly occupied by Big Town Mall.

Tom Palmer, Manager of Economic Development, stated that staff is requesting this item be postponed until the February 18, 2008, City Council meeting to allow additional time to finalize the agreement.

Mr. Heiman stated that this item will be considered in conjunction with the Mesquite Quality of Life Corporation budget for fiscal year 2007-08 which was postponed earlier in the meeting.

Mr. Heiman moved to postpone consideration of a program with Kent Jones, Inc., to promote economic development and stimulate business and commercial activity in conjunction with development in the Big Town Addition, formerly occupied by Big Town Mall, until the February 18, 2008, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

- B. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH KENT JONES, INC., TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE BIG TOWN ADDITION, FORMERLY OCCUPIED BY BIG TOWN MALL – POSTPONED UNTIL THE FEBRUARY 18, 2008, CITY COUNCIL MEETING.

Mr. Heiman moved to postpone consideration of a resolution approving the terms and conditions of a program with Kent Jones, Inc., to promote economic development and stimulate business and commercial activity in conjunction with development in the Big Town Addition, formerly occupied by Big Town Mall, until the February 18, 2008, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS.**

19. APPOINTMENT OF ONE REGULAR MEMBER TO THE BOARD OF ADJUSTMENT FOR A TERM TO EXPIRE JANUARY 1, 2010, AND CHANGE THE TERMS OF CURRENT MEMBERS TO EXPIRE AS FOLLOWS: THE TERMS OF ONE REGULAR MEMBER AND ONE ALTERNATE MEMBER TO EXPIRE JANUARY 1, 2010, AND THE TERMS OF THREE REGULAR MEMBERS TO EXPIRE JANUARY 1, 2009, TO COINCIDE WITH ORDINANCE NO. 3847 WHICH AMENDED THE TERMS OF BOARD OF ADJUSTMENT MEMBERS TO EXPIRE ON JANUARY 1 RATHER THAN OCTOBER 14.

Mr. Pickett moved to reappoint Mike Travis as a regular member of the Board of Adjustment for a term to expire January 1, 2010, and to change the terms of regular members Jennifer Vidler, Dianne Mendoza and Lonnie Craine to expire January 1, 2009, and the terms of regular member Cindy Burkett and alternate member Jack Akin to expire January 1, 2010. Motion was seconded by Mr. Tarpley and approved unanimously.

20. APPOINTMENT OF ONE MEMBER TO THE MESQUITE HOUSING BOARD FOR A TERM TO EXPIRE DECEMBER 3, 2008.

Mr. Pickett moved to appoint Tammy Hintz as a member of the Mesquite Housing Board for a term to expire December 3, 2008. Motion was seconded by Mr. Tarpley and approved unanimously.

**CONSIDERATION OF EXTENSION OF INJURY LEAVE FOR EMPLOYEE.**

21. REQUEST FOR EXTENSION TO INJURY LEAVE FOR FIREFIGHTER KIMBERLY BARTMAN – APPROVED.

Fire Chief Mark Kerby stated that Firefighter Kimberly Bartman is seeking Council authorization for a six-month extension of injury leave in order to complete her recovery for an on-the-job injury. On August 13, 2006, she was on duty when she strained her back while assisting with a response to a medical emergency where the lifting of a patient for transport to a hospital was required. Chief Kerby stated she has had extensive treatment and surgery but the prognosis is good. She will be able to return to work but requires additional time to heal.

Ms. Roberts moved to approve a six-month extension of injury leave for Firefighter Kimberly Bartman. Motion was seconded by Mr. Tarpley and approved unanimously.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:22 P.M.**

Mayor Monaco announced that the City Council would meet in executive session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions and other City employees (annual review of Police Chief and Council-appointed positions for City Manager, City Attorney, Municipal Court Judge and City Secretary); whereupon the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 4:08 p.m., the City Council reconvened in Open Session.

Ms. Roberts moved to approve a three percent salary increase for the City Secretary and Municipal Court Judge effective on their review dates. And to approve a contract renewal and salary increase as presented for B. J. Smith, Attorney, P.C., as City Attorney. Motion was seconded by Mr. Paschall and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 4:10.

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Judy Womack  
City Secretary

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John Monaco  
Mayor