

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,
MARCH 3, 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 – NOON.

The City Council met in the City Council Conference Room beginning at Noon, to discuss the items on the Regular Agenda and discuss proposed amendments to Chapter 4 of the City Code regarding Animal Services.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:17 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 (briefing from counsel regarding proposed items for discussion and procedures for negotiating a Meet and Confer agreement). After the closed meeting ended at 1:42 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 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects or settlement offers (update regarding litigation cases). After the closed meeting ended at 2:47 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:02 P.M.

Invocation was given by Rex Walker, Pastor, Family Cathedral of Praise, Mesquite, Texas.

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

SPECIAL ANNOUNCEMENTS.

(1) Mr. Heiman announced that Mayor Monaco was recently named President of Region 13 of the Texas Municipal League. Mayor Monaco previously served as Vice President of Region 13 since 2006 and Secretary from 2004 to 2006.

(2) Mayor Monaco recognized Evelyn Williams, Chairperson for Leadership Mesquite. She introduced participants from the 2007-08 Leadership Mesquite class who were present to observe the City Council meeting.

SPECIAL RECOGNITION.

1. **STUDENT GOVERNMENT DAY PARTICIPANTS FROM MESQUITE HIGH SCHOOL, NORTH MESQUITE HIGH SCHOOL AND HORN HIGH SCHOOL.**

Mayor Monaco recognized the Student Mayors, City Councils, City Managers and City Secretaries from Mesquite High School, North Mesquite High School and Horn High School who will be participating in Student Government Day activities on April 4, 2008.

PRESENTATION OF PLAQUES.

2. **PRESENTATION OF A PLAQUE TO RACHEL LOPEZ IN RECOGNITION OF HER SERVICE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD.**

Mayor Monaco presented a plaque to Rachel Lopez in recognition of her service as a member of the Parks and Recreation Advisory Board and Tree Board from November 2006 to February 2008.

3. **PRESENTATION OF A PLAQUE TO GREG NOSCHESI IN RECOGNITION OF HIS SERVICE AS A MEMBER OF THE MESQUITE QUALITY OF LIFE CORPORATION BOARD OF DIRECTORS – POSTPONED UNTIL THE APRIL 7, 2008, CITY COUNCIL MEETING.**

Mr. Heiman stated that Greg Noschese was out of town.

Mr. Heiman moved to postpone presentation of a plaque to Greg Noschese in recognition of his service as a member of the Mesquite Quality of Life Corporation Board of Directors until the April 7, 2008, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

APPOINTMENT FOR PERSONAL APPEARANCE.

4. **APPOINTMENT – DIANE WRIGHT, PRESIDENT, MESQUITE QUALITY OF LIFE CORPORATION.**

Diane Wright, President, Mesquite Quality of Life Corporation, presented the 2006-07 annual report for the Mesquite Quality of Life Corporation.

CONSENT AGENDA.

Item No. 11 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. Heiman and approved unanimously.

5. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 18, 2008.

6. ORDINANCE NO. 3935 – AUTHORIZING THE CITY MANAGER TO APPROVE CERTAIN CHANGE ORDERS ON CONTRACTS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE CERTAIN CHANGE ORDERS ON CONTRACTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3935 recorded on page _____ of Ordinance Book No. 89.)

7. RESOLUTION NO. 12-2008 – EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS. (Resolution No. 12-2008 recorded on page _____ of Resolution Book No. 41.)

8. RESOLUTION NO. 13-2008 – AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT IN CONNECTION WITH THE ANNUAL CITY ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ELECTIONS DEPARTMENT. (Resolution No. 13-2008 recorded on page _____ of Resolution Book No. 41.)

9. RESOLUTION NO. 14-2008 – APPOINTING A REPRESENTATIVE TO THE EARLY VOTING BALLOT BOARD FOR THE MAY 10, 2008, JOINT ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPOINTING A REPRESENTATIVE TO SERVE ON THE EARLY VOTING BALLOT BOARD FOR THE MAY 10, 2008, JOINT ELECTION. (Resolution No. 14-2008 recorded on page _____ of Resolution Book No. 41.)

10. BID NO. 2008-057 – ANNUAL SUPPLY OF DODGE OEM PARTS – AWARDED TO DALLAS DODGE CHRYSLER JEEP AT DEALER COST PLUS 10 PERCENT MARKUP.

12. CITY MANAGER AUTHORIZED TO EXECUTE A CHANGE ORDER TO CITY CONTRACT NO. 2007-09 WITH WESTERN PAPER COMPANY, INC., FOR A PRICE INCREASE IN THE AMOUNT OF \$10,648.69 REFLECTING A TOTAL CONTRACT AMOUNT OF \$85,640.36 FOR FISCAL YEAR 2007-08.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY.

11. MAYOR AUTHORIZED TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TOWN OF SUNNYVALE FOR COST PARTICIPATION IN THE U.S. HIGHWAY 80/STATE HIGHWAY 352 INTERCHANGE RECONSTRUCTION PROJECT IN THE AMOUNT OF \$1,400,000.00 - APPROVED.

Mr. Tarpley expressed opposition to the proposed agreement.

Mr. Heiman, Mr. Paschall and Mayor Monaco expressed support for the City's participation in the U.S. Highway 80/State Highway 352 Interchange Reconstruction Project with the Town of Sunnyvale. During the rush hour commute, approximately 42 percent of Mesquite residents utilize this interchange.

Mr. Heiman moved to authorize the Mayor to execute an Interlocal Agreement with the Town of Sunnyvale for cost participation in the U.S. Highway 80/State Highway 352 Interchange Reconstruction Project. Motion was seconded by Mr. Paschall. On call for a vote on the motion, the following votes were cast:

Ayes:	Heiman, Paschall, Monaco, Pickett
Nays:	Roberts, Tarpley

Motion passed.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

13. PUBLIC HEARING – ZONING – APPLICATION NO. 337-13 SUBMITTED BY MESQUITE INDEPENDENT SCHOOL DISTRICT FOR A ZONING CHANGE FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW THE PROPERTY TO BE USED FOR STORAGE, OFFICES AND OTHER SCHOOL SERVICES LOCATED AT 2133 NORTH BELT LINE ROAD – POSTPONED UNTIL THE JUNE 2, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 337-13 submitted by Mesquite Independent School District for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow the property to be used for storage, offices and other school services in East Dallas Estates, Block 1, Lot 6R. This property is further described as a 5.997-acre tract located at 2133 North Belt Line Road.

Mr. Heiman moved to postpone consideration of Application No. 337-13 until the June 2, 2008, City Council meeting. Motion was seconded by Mr. Paschall and approved unanimously.

- 14 A. PUBLIC HEARING – CONSIDER A PROGRAM WITH BRC ASSOCIATES, INC., AND NEW BIG TOWN ASSOCIATES (COLLECTIVELY “KIMCO”) AND KENT E. JONES & COMPANY, INC., (“KJI”) TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT AT U.S. HIGHWAY 80/BIG TOWN BOULEVARD FORMERLY OCCUPIED BY BIG TOWN MALL – HELD.

A public hearing was held to consider a program with BRC Associates, Inc., and New Big Town Associates (collectively “Kimco”) and Kent E. Jones & Company, Inc., (“KJI”) to promote economic development and stimulate business and commercial activity in conjunction with development at U.S. Highway 80/Big Town Boulevard formerly occupied by Big Town Mall.

Tom Palmer, Manager of Economic Development, stated this agreement will allow the private sector developers and the City to complete the closing on the property and proceed with the multi-purpose sports training facility located on the former Big Town Mall site. The agreement authorizes the payment of \$650,000 from the City to Kimco at closing. In exchange, Kimco will provide the City with the following: (1) A utility easement across the northern property line of the site. This will allow development to begin on the industrial and retail projects located west of the site; (2) Title to the property where the City’s water tower is currently located and (3) A utility easement located on the western boundary of the City’s water tower property to Samuell Boulevard. In addition to the three items referenced above, the agreement requires an access easement to be executed at the time of platting from Big Town Boulevard to the water tower property and to the proposed development. There is also language in the contract that preserves the right for the City to review any advertising language and graphics that would utilize the water tower. A “claw-back” provision in the agreement requires KJI to repay the \$650,000 if the project is not substantially underway at the end of a three-year period from the time of closing. Should this clause be exercised the City shall retain all of the previously dedicated easements on the property.

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

Councilmembers expressed support for the project.

- B. ORDINANCE NO. 3936 – AUTHORIZING THE CITY MANAGER TO EXECUTE AND FINALIZE AN AGREEMENT WITH BRC ASSOCIATES, INC., AND NEW BIG TOWN ASSOCIATES (“KIMCO”) AND KENT E. JONES & COMPANY, INC., (“KJI”) FOR COSTS ASSOCIATED WITH DEVELOPMENT AT U.S. HIGHWAY 80/BIG TOWN BOULEVARD FORMERLY OCCUPIED BY BIG TOWN MALL – APPROVED.

Mr. Heiman moved to Ordinance No. 3936, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT WITH BRC ASSOCIATES, INC., A TEXAS CORPORATION AND NEW BIG TOWN ASSOCIATES, A TEXAS LIMITED PARTNERSHIP (COLLECTIVELY "KIMCO") AND KENT E. JONES & COMPANY, INC., A TEXAS CORPORATION ("KJI"); 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. 3936 recorded on page _____ of Ordinance Book No. 89.)

APPOINTMENT TO BOARDS AND COMMISSIONS.

15. APPOINTMENT OF ONE REGULAR MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD FOR A TERM TO EXPIRE OCTOBER 21, 2008.

Mr. Pickett moved to change the appointment of Andrew Leake from an alternate member to a regular member on the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2008. Motion was seconded by Mr. Heiman and approved unanimously.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:42 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider purchase, exchange, lease or value of real property (proposed land acquisition for school/park site in the Ridge Ranch Subdivision); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 3:56 p.m., the City Council reconvened in Open Session.

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

No executive action was necessary.

The meeting adjourned at 4:00 p.m.

Judy Womack
City Secretary

John Monaco
Mayor