MINUTES OF REGULAR CITY COUNCIL MEETING AND WORK SESSION HELD BEGINNING AT 12:00 NOON, SEPTEMBER 17, 1990, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor George Venner, Councilmembers Jimmy Culver, Bill Newman, Cathye Ray, Mike Anderson, Terry Brimer and Carole Lochhead; City Manager Jim Prugel and City Secretary Lynn Prugel.

PRE-MEETING - CITY COUNCIL CONFERENCE ROOM - 12:00 NOON.

The City Council met in the City Council Conference Room beginning at 12:00 noon to discuss the items on the Work and Regular Agenda, and (1) Receive Status Report from Airport Manager; and (2) Receive Status Report from Personnel Director.

EXECUTIVE SESSION - CITY COUNCIL CONFERENCE ROOM - 1:05 P.M.

The City Council met in Executive Session in the City Council Conference Room, pursuant to Section 2(e) of the Texas Open Meetings Act to consider Pending and Contemplated Litigation subjects. After the closed meeting was ended at 1:15 p.m., the City Council reconvened in the Open Session.

No executive action was necessary.

CITY COUNCIL - STAFF WORK SESSION - 1:23 P.M.

A. INFORMATION FROM RAUSCHER PIERCE REFSNES, INC., REGARDING INVESTMENTS IN ESCRROW FUND FOR 1985 G.O. BOND REFUNDING ISSUE - RECEIVED.

Vince Matrone, representing Rauscher PierceRefsnes, Inc., briefed the Council on a technique that will allow the substitution of securities held in the escrow account for the 1985 G.O. Bond Refunding Issue, with a new security issued by the Resolution Trust Corporation. Since these securities have a higher yield, the City will be required to retain less cash in the escrow account and will benefit by approximately $80,000-$85,000.

It was the consensus of the City Council to direct Rauscher Pierce Refsnes to proceed with the substitution of the investments, as described by Mr. Matrone.

B. MONTHLY FINANCIAL REPORT FOR AUGUST, 1990 - RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for August, 1990.

Mr. Newman moved to accept the monthly financial report for August, 1990, as presented. Motion was seconded by Mrs. Ray and approved unanimously.
NON-RESIDENT FEES FOR RECREATION FACILITIES AND NON-RESIDENT ATHLETIC FEES - DISCUSSED.

Susan Skiles, Superintendent of Recreation, stated that at the direction of the City Council, the staff and the Parks and Recreation Advisory Board reviewed the use of various recreation facilities toward the possible implementation of a non-resident user fee. She further stated that Lakeside Activity Center and Westlake House are the facilities most often reserved by non-residents. The staff and the Board recommended that an additional $100 non-resident fee be imposed for rental of Westlake House during the prime reservation periods (Friday evening or any Saturday, Sunday or holiday), making a non-resident reservation fee of $200 for a six-hour period. They felt there would be no benefit in imposing a non-resident user fee for rental of Lakeside Activity Center.

Ms. Skiles explained that non-resident athletic fees were also reviewed; however, the Board would like to study these fees further before making a recommendation.

Mr. Anderson moved to approve the non-resident user fee for Westlake House, as recommended by staff and the Parks and Recreation Advisory Board. Motion was seconded by Mrs. Lochhead and approved unanimously.

CODE ENFORCEMENT EFFORTS IN THE AREA OF CASCADE PARK APARTMENTS - DISCUSSED.

Billy Thompson, Director of Community/Economic Development, stated that at the request of the City Council on August 6, 1990, a concentrated code enforcement effort involving Environmental Health, Building Inspection, and Police was initiated in the Cascade Park Apartment area. Detailed reports from each department were supplied to Councilmembers.

The staff will continue to monitor the area and notify Councilmembers of any significant changes.

CHARGES FOR CONTRACT MOWING OF HIGH GRASS AND WEEDS - DISCUSSED.

Bob Skaggs, Environmental Health Official, stated that at a previous Council meeting, staff had presented a proposal to revise Ordinance No. 2058 which sets charges for contract cutting of high grass and weeds on developed and undeveloped property. The Council suggested that a survey be made to determine what other area cities do in this regard and if an administrative fee is an acceptable charge.

A survey of the Cities of Dallas, Arlington, Irving, Richardson, Carrollton, Plano, Garland and Grand Prairie indicated that all but Plano do charge administrative fees of varied amounts.
Mr. Skaggs proposed that the following administrative fees be imposed:

- Residential Property: $50.00
- Non-residential Property (5 acres or less): $150.00
- Non-residential Property (greater than 5 acres): $250.00*

*For every additional 10 acres an additional $100.00 shall be charged.

It was the consensus of the City Council to direct preparation of an ordinance revising Ordinance 2058 for consideration at a future Council meeting.

F. THOROUGHFARE IMPROVEMENT PROJECTS TO BE INCLUDED IN A DALLAS COUNTY BOND PROGRAM - DISCUSSED.

Director of Community/Economic Development Billy Thompson stated that Dallas County has requested submittal of roadway improvement projects to be included in the 1991 Bond Election which has been tentatively scheduled for mid-1991. He presented a list of eleven projects for consideration.

Councilmembers requested that Galloway, from U.S. Highway 80 to Belt Line Road; Davis (SH 352), from I.H. 635 to Pioneer; Hickory Tree Road and Tripp Road be included in the list of candidate projects.

Staff was directed to prioritize the list and place an estimated dollar value on each project, and present for consideration at the October 1, 1990, City Council meeting.

G. TRAFFIC CONDITIONS AT THE LA PRADA/GALLOWAY INTERSECTION - DISCUSSED.

Mr. Culver stated that he requested this item be placed on the agenda because of the high rate of accidents and the long wait experienced by northbound motorists on Galloway Avenue at this intersection. A traffic signal is presently scheduled to be installed by August, 1991. Mr. Culver requested that the traffic signal installation be expedited, but until that happens, a 3-way stop be installed to control the traffic.

A discussion ensued regarding the possibility of installing a temporary flashing red light or a temporary traffic signal until the installation of a permanent traffic signal could be accomplished. John Higinbotham, Traffic Engineer, stated that a temporary traffic signal could be installed utilizing a surplus controller currently on hand for an approximate cost of $5,000.
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Mr. Culver moved to direct the staff to install a temporary traffic signal, utilizing the surplus controller, and to expedite the installation of a permanent traffic signal at the La Prada/Galloway intersection. Motion was seconded by Mrs. Ray and approved unanimously.

The Work Session recessed at 2:34 p.m.

EXECUTIVE SESSION - CITY COUNCIL CONFERENCE ROOM - 2:35 P.M.

Mayor Venner announced that the City Council would meet in Executive Session: (1) pursuant to Section 2(e) of the Texas Open Meetings Act to consider Pending and Contemplated Litigation subjects and (2) pursuant to Section 2(g) of the Texas Open Meetings Act to consider Appointment and Evaluation of Public Officials; whereupon the Council proceeded to meet in the City Council Conference Room. After the closed meeting was ended at 3:09 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - 3:10 P.M.

Invocation was given by Charles Wilson, Pastor, First Baptist Church, Sunnyvale, Texas.

CITIZENS FORUM.

Charlene Hopkins, who had completed a registration card to speak during the Citizen Forum, was allowed to speak later in the meeting because she was unavailable at this time.

PRESENTATION OF PLAQUE.

COUNCIL ACTION No. 398-90 - 1.

PRESENTATION OF A PLAQUE TO WILBUR DENNIS IN RECOGNITION OF HIS SERVICE AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD.

Mayor Venner presented a plaque to Wilbur Dennis in recognition of his service as a member of the Parks and Recreation Advisory Board from January, 1987, to August, 1990.

APPOINTMENTS FOR PERSONAL APPEARANCE

COUNCIL ACTION No. 400-90 - 2.

APPOINTMENT - KEN PACE, CHAIRMAN OF THE CHAMBER OF COMMERCE TRANSPORTATION COMMITTEE, RECOMMENDATIONS FOR THOROUGHFARE IMPROVEMENT PROJECTS TO BE INCLUDED IN A DALLAS COUNTY BOND PROGRAM - DISCUSSED.
Ken Pace, Chairman of the Chamber of Commerce Transportation Committee, appeared to make recommendations for projects to be included in the proposed Dallas County Bond Program. Mr. Pace stated that several years ago, he had appeared before the Council to request adoption of a resolution supporting better access to the Airport. He requested a slight change in the previous resolution.

Mr. Pace explained that the Sunnyvale City Council has presented an alternate recommendation that the Transportation Committee feels will meet the City of Mesquite’s needs and would adequately address the problem with the Airport access. Sunnyvale’s recommendation is to include an extension of Clay Road, from S.H. 352 to East Glen, in the Dallas County Bond Program. The Transportation Committee asks that access into the Airport from the west side, by extension of East Glen, be included. He stated that this project is not, at this time, on the North Texas Council of Government’s Regional Thoroughfare Plan for road projects, but based upon discussion with Dallas County staff, this should present no real problem. Mr. Pace further stated that the Lawrence heirs, who own property along this proposed route, may be interested in donating right-of-way for this project.

Mr. Pace requested the adoption of a City of Mesquite/Town of Sunnyvale joint resolution at the City Council meeting on October 1, 1990, petitioning Dallas County to include this road project in the upcoming bond program.

Mr. Pace stated that the Transportation Committee also recommends that Town East Boulevard, from U.S. Highway 80 to Military Parkway, and Pioneer Road, from Bruton to McKenzie, be included in the County bond program. He stated that if the recommendations are prioritized, he feels that pursuit of the Airport access should be the first priority.

3. **APPOINTMENT - O'KEENA W. BLEEVINS, 416 HIGHLAND VILLAGE DRIVE - REQUEST FOR DART SERVICE IN MESQUITE**  
   
   Council Action  
   
   Withdrewn.

4. **APPOINTMENT - TIM HOLT, 1913 HILLVIEW - SEWER PROBLEM AT HIS RESIDENCE (NO ONE WAS PRESENT IN REGARD TO THIS APPOINTMENT).**

5. **APPOINTMENT - PAUL LEAKE, ATTORNEY REPRESENTING BIG TOWN INN - REQUEST TO ALLOW TRUCK PARKING AT BIG TOWN INN, 4203 HIGHWAY 80 - APPROVED.**

   Paul R. Leake, representing Big Town Inn, stated that his client is requesting approval of eleven tractor parking spaces. He pointed out that customers will park trailers at a nearby truckstop and park tractors, only, at the motel. Mr. Leake explained that the vacant lot next door to Big Town Inn has been fenced and can no longer be used for extra parking. Mr. Leake further stated that they are negotiating to buy the vacant lot next door
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to the inn, but until they are able to finalize the purchase/lease of this lot, they would like approval to allow the eleven parking spaces for tractors.

Councilmembers voiced concerns regarding the three proposed parking spaces in front of the Inn.

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Mr. Brimer moved to approve a permit to allow parking of 8 semi-tractors on the east side of the Inn, subject to staff's concurrence that fire lane requirements are met; if the applicant wishes to pursue the use of the 3 parking spaces in front, that an artist's rendering, to scale, be submitted for some type of landscaping to cosmetically hide these tractors; and further, should the applicant obtain lease/purchase rights to the vacant lot to the west of this property, this permit will be null and void. Motion was seconded by Mr. Anderson.

On call for a vote on the motion, the following votes were cast:

Ayes: Ray, Venner, Brimer, Anderson, Lochhead
Nays: Culver, Newman

Motion carried.

Council Action 6.

APPOINTMENT - LONNIE DUNCAN, SUNSHINE HOUSE MONTESSORI SCHOOL AND DAYCARE - APPLICATION FOR TAX ABATEMENT ON PROPOSED NEW CONSTRUCTION OF SCHOOL FACILITIES - DISCUSSED.

Lonnie Duncan, Sunshine House Montessori School and Daycare, requested a tax abatement for a 20-year period on construction of a $1,000,000 facility on the east side of Gus Thomasson Road, between Town East Boulevard and U.S. Highway 80.

Mr. Duncan was informed that certain criteria must be met to qualify for tax abatement and that the City's tax abatement policy follows the guidelines established by State law. Under this law, the maximum period allowed for tax abatement is 10 years, and under the City policy, the improvements must increase the property tax value by at least $2,000,000, not including land costs.

Mr. Duncan questioned whether the City Council would consider an exception to the tax abatement criteria if the State would grant a waiver. It was the consensus of the City Council to adhere to the established criteria for tax abatement.

CITIZEN FORUM - TAKEN OUT OF ORDER.

Charlene Hopkins, 920 D Shadyside, Dallas, Texas, spoke regarding Police harassment. Ms. Hopkins reiterated problems she has experienced with Mesquite Police personnel dating back to 1982.

*** For clarification, see Minutes of regular City Council meeting held October 1, 1990, Item 2, Page 5.
CONSENT AGENDA

Item No. 9 was removed from the Consent Agenda to be considered separately.

Mrs. Lochhead moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Brimer and approved unanimously.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>8.</td>
<td>ORDINANCE NO. 2696 - AMENDING SECTION 10-47.5 OF THE CITY CODE BY ESTABLISHING A 20 MPH SCHOOL ZONE ON INDEPENDENCE DRIVE IN THE VICINITY OF CANNADAY SCHOOL.</td>
</tr>
<tr>
<td>10.</td>
<td>MAYOR AUTHORIZED TO EXECUTE A CONTRACT FOR A ONE-YEAR PERIOD WITH MESQUITE COMMUNITY HOSPITAL FOR LEASE SPACE FOR THE PUBLIC HEALTH CLINIC.</td>
</tr>
<tr>
<td>12.</td>
<td>BID NO. 90-78 - ANNUAL POLICE UNIFORM CLEANING CONTRACT - AWARDED TO FASHION PARK CLEANING IN THE AMOUNT OF $21,885.50.</td>
</tr>
<tr>
<td>13.</td>
<td>BID NO. 90-84 - PURCHASE OF POLICE WEAPONS - AWARDED TO LAW ENFORCEMENT EQUIPMENT COMPANY IN THE AMOUNT OF $14,460.48.</td>
</tr>
<tr>
<td>14.</td>
<td>BID NO. 90-89 - TRAFFIC SIGN POSTS AND COMPONENTS - AWARDED TO PRODUCTION COMPONENTS, INC. IN THE AMOUNT OF $13,397.67.</td>
</tr>
<tr>
<td>15.</td>
<td>REPORT RECEIVED FROM CITY MANAGER ON CHANGE ORDERS: (CE 90-42, Airport Construction - New Hangar Facility - $1,050.00)</td>
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</table>
CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.

ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE PERTAINING TO SOLICITATION, VENDORS AND OUTDOOR SALES: DISCUSSED.

B.J. Smith, City Attorney, stated that this ordinance was prepared because of the concern for safety factors involved in the activity of soliciting, or attempted soliciting of employment, business or charitable contributions from the occupants of vehicles on the roadway. He stated further that by changing the definition of "public place", that solicitation, selling, etc., can still be done on sidewalks, but would be removed from the streets, medians, shoulders, or improved shoulders.

Mark McMorrough, representing the Exchange Club, stated he had two requests concerning the proposed ordinance. He requested an exemption for non-profit organizations attempting to raise funds for local community service projects. Mr. McMorrough stated that the Exchange Club has developed a strong child abuse prevention program, and that one of their most effective methods of raising funds for this project has been the annual "Road Block" at Town East and LBJ. He stated they are willing to work at less travelled intersections, if necessary, but would like to continue using the "Road Block" as the fund raiser for child abuse prevention. He further requested that if an exemption is denied, that this Ordinance not take effect until January 1, 1991, in order to allow time to develop plans for another fund raiser.

Mr. Anderson moved to delay consideration of this ordinance until January 1, 1991, and to direct staff to monitor the Exchange Club "Road Block" Fund Raiser to be held in December to determine what safety concerns might be involved. Motion was seconded by Mr. Brimer.

On call for a vote on the motion, the following votes were cast:

Nays: Culver

Motion carried.

Mr. Culver asked that the record reflect that he does not have a problem with delaying action until January 1, but he does have concerns with the Council turning its back on the problem.

END OF CONSENT AGENDA.

Mayor Venner announced a short recess at 4:35 p.m. The City Council reconvened at 4:55 p.m.
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CONSIDERATION OF A RESOLUTION - TAKEN OUT OF ORDER.

21. RESOLUTION NO. 45-90 - RESCINDING RESOLUTION 34-90
RELATING TO COMPLIANCE WITH CABLE TELEVISION
FRANCHISE QUALITY OF SERVICE STANDARDS - APPROVED.

Mr. Brimer, Chairman of the Cable Television Advisory Board, advised that
the Board recommends rescission of Resolution No. 34-90, which cited TCI's failure to
maintain the quality of service stipulated in the franchise ordinance and the necessity to
resolve the problem. The Board now feels that TCI is in compliance with the quality of
service standards.

Mr. Brimer moved to adopt Resolution No. 45-90, A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RESCINDING
RESOLUTION NO. 34-90, DUE TO CORRECTION OF QUALITY OF SERVICE
DEFICIENCIES OF THE CABLE FRANCHISE. Motion was seconded by Mrs. Lochhead
and approved by all voting "aye". (Resolution No. 45-90 recorded on page 11 of
Resolution Book No. 20.)

SITE PLANS AND PUBLIC HEARINGS.

16. PLANNED DEVELOPMENT SITE PLAN REVISION FOR CASA
TERRACE #4 SUBMITTED BY DAN M. DOWDEY AND ASSOCIATES
FOR CENTEX REAL ESTATE CORP., INC. (ZONING FILE NO. 161-8)
APPROVED.

A Planned Development Site Plan revision for Casa Terrace #4 was
considered. This property is located north of Bruton Road in the 1500, 1600 and 1700
blocks of Rancho and Mayfair Drive.

Calvin Bankes, with Centex Real Estate Corporation, presented the revised
site plan, which reduces 112 duplex lots to 56 single family lots. Mr. Bankes stated they
agree with the staff's recommendations and conditions with the exception of one item.
On two key lots in the subdivision that have street pavement on two sides of the lots, the
staff recommended that 20-foot front and side building lines be maintained adjacent to the
street pavement. He requested approval of a 20-foot front building line and a 10-foot side
building line on these two lots to allow the capability of constructing their widest product.

Mr. Brimer moved to approve the proposed site plan revision for Casa
Terrace #4 with the following stipulations: (1) A minimum lot size of 7000 square feet;
(2) A minimum unit size of 1400 square feet; (3) Minimum setbacks as follows: 20-foot
front yard setback with exceptions for a 15-foot front yard setback on Lot 11, Block N, a
24-foot front yard setback on Lot 17, Block L, and a 27-foot front yard setback on Lot 18,
Block L; a 20-foot rear yard setback; a 5-foot interior side yard setback; and a 10-foot
exterior side yard setback, including the exterior side yards on Lot 11, Block N, and Lot 16,
Block M; (4) A minimum 2-car rear entry garage with 2-car parking pad; and (5) All other
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development standards to meet R-3 District requirements. Motion was seconded by Mrs. Ray and approved unanimously.

**PLANNED DEVELOPMENT SITE PLAN FOR NORTH TEXAS MEDICAL SUBMITTED BY MICHAEL BROWN FOR REZA NAHAVI (ZONING FILE NO. 594-13) - APPROVED.**

A Planned Development Site Plan for North Texas Medical was considered. This property is located 1260 feet south of the Americana Lane and North Galloway Avenue intersection, fronting the east side of North Galloway Avenue.

Mike Brown, architect for the applicant, presented the planned development site plan for three, one-story, 8,250 square foot office buildings, to be built in three phases. He stated that they agree with recommendations made by the staff and Planning and Zoning Commission. A revised drawing was submitted showing the handicapped parking, as requested by the Planning and Zoning Commission, and which "flips" the site plan, placing the buildings on the north side of the tract rather than the south, creating a mirror image of the layout.

Mr. Newman moved to approve the Planned Development Site Plan for North Texas Medical with the following stipulations: (1) A minimum of two (2) handicapped spaces be provided at each building; (2) Drive widths be widened to meet minimum requirements and the northern drive be adjusted so that the radius does not overlap the property line; and (3) requiring installation of the storm sewer with the first phase of construction, if the project is phased. Motion was seconded by Mr. Anderson and approved unanimously.

**RESTAURANT/PRIVATE CLUB SITE PLAN FOR GLAZE RESTAURANT, 3902 TOWNE CROSSING BOULEVARD (OLD CLASSIC DINER) - APPROVED.**

A Restaurant/Private Club Site Plan for Glaze Restaurant was considered. This property is located at 3902 Towne Crossing Boulevard (old Classic Diner).

Roger Glaze presented the Restaurant/Private Club Site Plan for the Glaze Restaurant and an artist's rendering of the exterior. Mr. Glaze stated they are remodeling the old Classic Diner into a family-style restaurant. He stated their menu will be similar to the Black-Eyed Pea, focusing on home-style cooking, and will feature a vegetable buffet.

It was pointed out that the site and proposed restaurant meet all minimum criteria of the Restaurant-Private Club Overlay District. The bar area is proposed to be totally enclosed by walls and to function as a service bar only.

Mr. Brimer moved to approve the Restaurant/Private Club Site Plan, as presented. Motion was seconded by Mr. Newman and approved unanimously.
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19. **PUBLIC HEARING - ZONING - APPLICATION NO. BBH-3 SUBMITTED BY TERRY JESSUP (MONKEY BUSINESS) - APPROVED.**

A public hearing was held to consider Application No. BBH-3 submitted by Terry Jessup (Monkey Business) for an amendment to Conditional Use Permit #2269 to allow a maximum of sixteen (16) video games on Lot 3, Block A of the Blue Bell Heights #3 Addition (1210 Scyene Road). This property is further described as the 1.6823 acre tract located 524 feet west of the Gross Road and Scyene Road intersection, fronting the south side of Scyene Road. Mr. Jessup stated that their request is based on a desire to upgrade the quality of entertainment that is supplied by Monkey Business (formerly Rainbow Park).

No one appeared in regard to the proposed zoning change. Mayor Venner declared the public hearing closed.

Mr. Culver moved to approve an amendment to Conditional Use Permit #2269 to allow a maximum of sixteen (16) video games on property zoned Conditional Use in Commercial District for Indoor Recreation and located at 1210 Scyene Road, and to authorize preparation of an ordinance to this effect. Motion was seconded by Mr. Newman and approved unanimously.

20. (A) **PUBLIC HEARING - 1990-91 BUDGET.**

A public hearing was held to consider the 1990-91 Budget.

No one appeared in regard to the proposed 1990-91 Budget. Mayor Venner declared the public hearing closed.

(B) **PASSAGE OF THE FOLLOWING ORDINANCES - APPROVED.**

Mr. Anderson moved to approve the following ordinances. Motion was seconded by Mrs. Lochhead and approved unanimously.

1. **ORDINANCE NO. 2697 - APPROPRIATION ORDINANCE.**


2. **ORDINANCE NO. 2698 - ADOPTING REVISED PAY PLANS FOR CLASSIFIED FIRE AND POLICE PERSONNEL AND OTHER CLASSIFIED CITY EMPLOYEES.**
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AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING REVISED PAY PLANS FOR CLASSIFIED FIRE AND POLICE PERSONNEL AND OTHER CLASSIFIED CITY EMPLOYEES; PROVIDING THAT SUCH PAY PLANS SHALL BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 1991. (Ordinance No. 2698 recorded on page 13 of Ordinance Book No. 50.)

ORDINANCE NO. 2699 - PROVIDING FOR UPDATED SERVICE CREDITS FOR CITY EMPLOYEES UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM TO BECOME EFFECTIVE JANUARY 1, 1991.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE IN THE EMPLOYMENT OF THE CITY OF MESQUITE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY. (Ordinance No. 2699 recorded on page 21 of Ordinance Book No. 50.)


AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY AS OF OCTOBER 1, 1990. (Ordinance No. 2700 recorded on page 23 of Ordinance Book No. 50.)

ORDINANCE NO. 2701 - SETTING COMMERCIAL SANITATION RATES TO BECOME EFFECTIVE SEPTEMBER 17, 1990.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 7, OF THE MESQUITE CITY CODE, DELETING THE PRESENT SECTION AND INSERTING A NEW SECTION THEREFORE. (Ordinance No. 2701 recorded on page 25 of Ordinance Book No. 50.)

Mrs. Ray stated for the record that even though she approved and voted for the adoption of the budget, she is not fully content with the pay plan that was chosen, but something is better than nothing and that is why she did approve it.

ORDINANCE NO. 2702 - LEVYING THE AD VALOREM TAXES FOR THE YEAR 1990 WITH CERTAIN STIPULATIONS - APPROVED.
Mr. Anderson moved to approve Ordinance No. 2702, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 1990 AT A RATE OF $0.53 PER ONE HUNDRED DOLLARS ($100.00) ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE AS OF JANUARY 1, 1990, 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 1990 TAX ROLLS AND ANY SUPPLEMENT THERETO; PROVIDING CERTAIN EXEMPTIONS. Motion was seconded by Mr. Brimer and approved by all voting "aye". (Ordinance No. 2702 recorded on page 27 of Ordinance Book No. 50.)

CONSIDERATION OF CONTRACTS

22. MAYOR AUTHORIZED TO EXECUTE A CONTRACT FOR A ONE-YEAR PERIOD WITH CONRAD C. COWAN, P.T.A., FOR SERVICES AS THE TENNIS PROFESSIONAL AT WESTLAKE TENNIS CENTER.

Susan Skiles, Superintendent of Recreation, stated that with the resignation of Ron Richardson as the Tennis Pro at Westlake Tennis Center, a search was initiated for a replacement. Ms. Skiles stated that staff is recommending that a contract be awarded to Conrad C. Cowan, P.T.A., who was highly recommended by Mr. Richardson and other professionals in his field. She stated that the contract is the same as in past years with the exception that the Tennis Professional proposes to pay the City 5% of gross receipts on items such as tennis rackets, clothing, and repairs, instead of 10%.

Mr. Anderson moved to authorize the Mayor to execute a contract for a one-year period with Conrad C. Cowan, P.T.A. for services as the Tennis Professional at Westlake Tennis Center, as recommended. Motion was seconded by Mr. Brimer and approved unanimously.

23. THREE-MONTH EXTENSION TO MARCH 4, 1991, FOR THE CONTRACT WITH MOTOROLA COMMUNICATIONS & ELECTRONICS, INC., FOR THE PURCHASE OF AN 800 MEGAHertz TRUNKED RADIO SYSTEM FOR USE BY THE POLICE AND FIRE DEPARTMENTS - APPROVED.

Travis Hass, Police Chief, stated that on December 4, 1989, the City entered into a contract with Motorola Communications and Electronics, Inc., for the purchase of an 800 Megahertz Trunked Radio System to be completed within twelve (12) months. Chief Hass explained that on June 17, 1990, a mishap involving the radio antenna tower at the City Service Center occurred. Based on the delay caused by the mishap, Motorola has requested a 90-day extension through March 4, 1991 to complete the system. Chief Hass stated further that the staff recommends approval of the 90-day extension, contingent upon
Motorola's agreement to absorb additional consulting fees to keep the City's consulting firm, Coopers & Lybrand, on the project until its completion.

Harold Simpson, representing Motorola, informed the Council that it would be to the City's advantage to approve the extension because the consulting fees are in excess of the liquidated damages that could be assessed.

Mr. Anderson moved to approve extension of the contract with Motorola to March 4, 1991, with the stipulation that Motorola will pay additional expenses due to the mishap involving the antenna. Motion was seconded by Mr. Culver and approved unanimously.

CONSIDERATION OF FINAL PAYMENT

24. FINAL PAYMENT AND LIQUIDATED DAMAGES TO HYDROTECH OF TEXAS. CITY CONTRACT NO. 90-63 - APPROVED.

Carol Zolnerowich, Assistant City Manager, stated that Council awarded Bid No. 90-63 on June 18, 1990, for irrigation improvements at Cannaday School/Park to Hydrotech of Texas. Hydrotech specified in their contract they would finish the project in 20 working days. The contractor began work on July 31, 1990, but the system was not fully operational for its intended use until September 7, 1990. Ms. Zolnerowich explained that the time frame on this project was critical because the staff feels grass seed should be planted by September 1. Grass seeding was not accomplished at Cannaday School/Park until September 14, 1990.

Ms. Zolnerowich summarized staff's concerns as: (1) The delay in seeding at Cannaday may result in winter damage to the turf's immature root system; and (2) the park is closed to its intended use until turf can be established. For these reasons, staff recommended that $2,000 in liquidated damages be withheld from the final payment to the contractor.

A representative of Hydrotech informed the Council that their company is a very small operation and the $2,000 would represent a large portion of their profit on the project. He could offer no explanation for the delay.

Lauren Miller, Superintendent, Park Planning - Development, stated that Hydrotech had not been asked to do anything that was not in the specifications, and staff had maintained continuous communication with Hydrotech urging them of the need to complete the project by the specified time.

Mr. Culver moved to reduce liquidated damages to $1,000 and approve final payment on Bid No. 90-63 to Hydrotech of Texas in the amount of $14,767.00. Motion was seconded by Mr. Brimer. On call for a vote on the motion, the following votes were cast:
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Ayes: Culver, Newman, Venner, Brimer
Nays: Ray, Anderson, Lochhead

Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS


Mr. Anderson moved to reappoint Art Greenhaw, Place 2, and Jack Akin, Place 4, as regular members and to move Ken Carroll from an alternate to a regular member, Place 6, for terms to expire September 30, 1992. Motion was seconded by Mr. Brimer and approved unanimously.

26. APPOINTMENT OF TWO MEMBERS TO THE KEEP MESQUITE BEAUTIFUL, INC. BOARD OF DIRECTORS FOR TERMS TO EXPIRE SEPTEMBER 30, 1993.

Mr. Brimer moved to reappoint Kandace Lindsey and Nina Thornton as members of the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire September 30, 1993. Motion was seconded by Mr. Anderson and approved unanimously.

27. APPOINTMENT OF FOUR REGULAR MEMBERS AND ONE ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD FOR TERMS TO EXPIRE OCTOBER 21, 1992.

Mrs. Lochhead moved to reappoint Roger Samuels and Gary Kinne as regular members, to move Dee Ann Dockins and William Campbell from alternate to regular members, and to appoint James W. Folks as an alternate member, to the Parks and Recreation Advisory Board for terms to expire October 21, 1992. Motion was seconded by Mr. Anderson and approved unanimously.

28. APPOINTMENT OF ONE MEMBER TO THE CIVIL SERVICE COMMISSION AND TRIAL (PERSONNEL) BOARD FOR A TERM TO EXPIRE NOVEMBER 7, 1993.

Mr. Brimer moved to reappoint Danny Sanchez as a member of the Civil Service Commission and Trial Board for a term to expire November 7, 1993. Motion was seconded by Mr. Newman and approved unanimously.
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Mr. Anderson moved to adjourn the meeting. Motion was seconded by Mr. Newman and approved unanimously.

Meeting adjourned at 6:09 p.m.

Lynn Prugel
City Secretary

George A. Venner, Sr.
Mayor