

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, JUNE 15, 2009, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

Absent: Stan Pickett

**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 Work and Regular Agenda and discuss: (1) permit fees for temporary portable classrooms and (2) Energy Efficiency and Conservation Block Grant Projects.

(1) It was Council consensus to waive the building permit fees for Mesquite Independent School District for portable buildings.

(2) Council concurred with the project list as presented.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:37 P.M.**

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider the purchase, exchange, lease or value of real property (Acceptance of property located on Carmack Street); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 12:51 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 Justin Houghton, Pastor of Extension Ministries, Emmanuel Pentecostal Church, Mesquite, Texas.

The Pledge of Allegiance was led by Mason DeCroix, Bayley DeCroix, Allyssa DeCroix and Zachary Thomson, participants in the Summer Reading Club at the Mesquite Public Library.

**SPECIAL ANNOUNCEMENTS.**

(1) Mr. Forsythe expressed thanks to the Parks and Recreation Department staff for their assistance in repairing fields at the Girls' Softball Complex after the recent heavy rains in time for the State Softball Tournament to be held there this past weekend.

(2) Mr. Noschese expressed thanks to the Mesquite Rotary Club and many volunteers for their hard work in planning and coordinating the Rotary Bike Ride this past Saturday, June 6. Approximately 1,700 bike riders participated, raising \$50,000 for local community charities and scholarships.

**CITIZENS INPUT HEARING.**

1. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE PRELIMINARY BUDGET FOR THE 2009-10 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – HELD.

A public hearing was held to receive input from citizens regarding the preliminary budget for the 2009-10 Community Development Block Grant (CDBG) Program.

Shawna Gaston, CDBG Coordinator, stated that each year the City receives a Community Development Block Grant from the Department of Housing and Urban Development for the purpose of providing funds for programs and projects that primarily benefits low to moderate income individuals and neighborhoods. Examples of projects that the City has utilized CDBG funds for in the past include housing rehabilitation, problem-oriented policing, neighborhood revitalization and outreach services for victims of domestic abuse and residents in crisis. The CDBG funds available for the 2009-10 program year is \$920,698.00.

Dr. Scott Holder, Director of Operations, New Beginning Center, expressed appreciation for the City's years of support and outlined their ongoing efforts to provide services to women and children affected by family violence. He stated that CDBG funding pays for approximately 20 percent of the amount needed to provide a counselor in the Mesquite office for victims of domestic abuse. During the past year, the New Beginning Center in Garland has provided a safe shelter for 16 Mesquite residents fleeing from domestic violence.

No others appeared regarding the preliminary budget for the 2009-10 Community Development Block Grant Program. Mayor Monaco declared the public hearing closed.

**CONSENT AGENDA.**

Item No. 8 was removed from the Consent Agenda to be considered separately. Mr. Noschese moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 1, 2009.
3. ORDINANCE NO. 4053 – AMENDING CHAPTER 10 OF THE CITY CODE REGARDING MAINTENANCE OF NUISANCE PREMISES.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 10-169(a)(1)(b) IN ITS ENTIRETY AND ADDING A NEW SECTION 10-169(a)(1)(b) THEREBY REDEFINING WHAT HOUSEHOLD ITEMS CONSTITUTE A NUISANCE ON PREMISES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY. (Ordinance No. 4053 recorded on page \_\_\_\_\_ of Ordinance Book No. 93.)

4. RESOLUTION 20-2009 – AUTHORIZING THE MAYOR TO EXECUTE THE STANDARD UTILITY AGREEMENT SUPPLEMENTAL AGREEMENT NO. 2 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL SURVEY SERVICES IN CONJUNCTION WITH THE LBJ (MESQUITE SECTION) PHASES 2 AND 2B PROJECT IN AN AMOUNT OF \$44,580.00.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE STANDARD UTILITY AGREEMENT SUPPLEMENTAL AGREEMENT NO. 2 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PROVIDING ADDITIONAL SURVEY SERVICES FOR THE LBJ (MESQUITE SECTION) PHASES 2 AND 2B IN AN AMOUNT NOT TO EXCEED \$44,580.00. (Resolution No. 20-2009 recorded on page \_\_\_\_\_ of Resolution Book No. 42.)

5. BID NO. 2009-049 – ASPHALT STREET RECONSTRUCTION PROJECT – 2009 (LAWSON ROAD, SHANNON ROAD AND LUMLEY ROAD) – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER REYNOLDS ASPHALT & CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,277,062.94.
6. CITY MANAGER AUTHORIZED TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR THE RECONSTRUCTION OF LAWSON ROAD FROM MILAM ROAD TO MESQUITE'S CITY LIMITS NORTHEAST OF BERRY ROAD IN AN AMOUNT NOT TO EXCEED \$797,354.79 WITH THE CITY'S SHARE NOT TO EXCEED \$398,677.40.
7. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO THE ENGINEERING DESIGN SERVICES CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE TRIPP ROAD PAVING, DRAINAGE, UTILITY AND LANDSCAPING IMPROVEMENT PROJECT IN THE AMOUNT OF \$73,176.00.
9. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.  
(CE 2009-015, Annual Supply of Fire Protective Clothing – \$1,654.75; RFP 2009-075, Wireless Communications Trailer – \$2,182.50 and CE 28-8031, Training Facility Consultant – \$1,900.00.)

**CONSENT AGENDA ITEM CONSIDERED SEPARATELY.**

8. MAYOR AUTHORIZED TO EXECUTE AMENDMENT NO. 2 TO AN AGREEMENT WITH AT&T WIRELESS (FORMERLY CINGULAR WIRELESS) TO LEASE ANTENNA SPACE AT THE SERVICE CENTER FOR WIRELESS COMMUNICATIONS EQUIPMENT – APPROVED WITH AMENDMENTS.

Mr. Noschese moved to authorize the Mayor to execute Amendment No. 2 to an agreement with AT&T Wireless (formerly Cingular Wireless) to lease antenna space at the Service Center for wireless communications equipment subject to the City Attorney's approval as to form for internal consistency and a property description of the leased area be attached to the lease. Motion was seconded by Mr. Porter and approved unanimously.

**END OF CONSENT AGENDA.**

**PUBLIC HEARING.**

10. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2009-03 AND ORDINANCE NO. 4054 AMENDING SECTIONS 2-603, 3-202 AND 6-102 OF THE MESQUITE ZONING ORDINANCE PERTAINING TO RESTRICTIONS ON THE USE, LOCATION AND APPEARANCE OF DONATION AND COLLECTION BOXES OR SIMILAR FACILITIES – APPROVED.

A public hearing was held to consider Zoning Text Amendment No. 2009-03 amending Sections 2-603, 3-202 and 6-102 of the Mesquite Zoning Ordinance pertaining to restrictions on the use, location and appearance of donation and collection boxes or similar facilities. This item was postponed at the May 4, 2009, City Council meeting.

Richard Gertson, Director of Community Development, stated that it has been the City's policy since 2004 to prohibit and control donation and collection boxes. This amendment would codify the policy which addresses the use, location and appearance of donation and collection boxes or similar facilities. At the public hearing before the Planning and Zoning Commission, the Commission proposed an ordinance that would allow donation and collection facilities under certain conditions. Staff has submitted two ordinances to consider – the first ordinance would allow the donation and collection facilities as recommended by the Planning and Zoning Commission and an alternative ordinance would prohibit donation and collection facilities per existing policy.

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

Mr. Tarpley moved to approve the alternative ordinance for Zoning Text Amendment No. 2009-03 amending Sections 2-603, 3-202 and 6-102 of the Mesquite Zoning Ordinance, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 2-603, 3-202 AND 6-102 THEREBY PROVIDING REGULATIONS ON DONATION COLLECTION FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A

SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Forsythe and approved by all voting "Aye." (Ordinance No. 4054 recorded on page of Ordinance Book No. 93.)

**APPOINTMENTS TO BOARDS AND COMMISSIONS.**

11. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD FOR A TERM TO EXPIRE OCTOBER 21, 2009.

Mr. Noschese moved to appoint Jerry Jones, Jr., as a senior alternate member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2009. Motion was seconded by Mr. Tarpley and approved unanimously.

12. CONSIDER APPOINTMENT OF A MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM FOR ONE-YEAR TERMS.

Ms. Roberts moved to appoint Greg Noschese as Mayor Pro Tem and Al Forsythe as Deputy Mayor Pro Tem for one-year terms. Motion was seconded by Mr. Tarpley and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Forsythe and approved unanimously. The meeting adjourned at 3:16 p.m.

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Sonja Land  
City Secretary

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John Monaco  
Mayor