

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, AUGUST 17, 2009, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

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 receive (1) update regarding transit service and (2) briefing regarding rail served development in Sunnyvale.

(1) Council directed staff to arrange a meeting with Dallas Area Rapid Transit (DART) Executive Director Gary Thomas, DART staff and City officials to discuss how best to accomplish Mesquite's transit priorities.

Council directed staff to revise the contract term for Consent Agenda Item No. 8, RFP No. 2009-054 – Annual Contract for Veterinary Services, to reflect the contract term stated in the bid specifications which is a one-year contract with two one-year renewal options.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:37 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; whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 12:46 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

WORK SESSION – CITY COUNCIL CHAMBER – 1:04 P.M.

A. MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR FISCAL YEAR 2009-10 – REVIEWED.

Jeann Wisenbaker reviewed the Mesquite Quality of Life Corporation's proposed budget for the fiscal year 2009-10 and introduced board member Shirley Roberts and staff member Tom Palmer. She stated that the Board's goal is to ensure that revenues from 4B sales tax dollars are utilized in the best manner possible to sustain and improve the quality of life for all Mesquite residents.

Councilmembers expressed appreciation to the members of the Mesquite Quality of Life Corporation Board of Directors for their dedicated service to the community.

A resolution approving the Mesquite Quality of Life Corporation's budget for fiscal year 2009-10 appears as Item No. 6 on the Consent Agenda.

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The work session ended at 1:07 p.m.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:09 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 business prospects or projects [(1) Economic development incentives for an office development located at Towne Centre Drive and IH 635; (2) Economic development incentives for a medical building expansion located on North Galloway Avenue and (3) Economic development incentives for a residential development near Cartwright Road and Lawson Road]; whereupon the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:21 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 2:21 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (acquisition of property near Mesquite Metro Airport); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:27 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:04 P.M.

Invocation was given by Rodger Edwards, Minister, New Hope Church of Christ, Sunnyvale, Texas.

The Pledge of Allegiance was led by recreation participants from Evans, Goodbar and Rutherford Senior Citizens Centers.

SPECIAL ANNOUNCEMENTS.

(1) Mr. Noschese asked to reserve five minutes at the end of the Council meeting for a special announcement.

(2) Mayor Monaco recognized Boy Scouts Julian Christenson, Stephen Taylor, John Molina and Greg Taylor, Troop No. 865, and Peter Addy, Troop No. 103, who are working on merit badges.

APPOINTMENT FOR PERSONAL APPEARANCE.

1. APPOINTMENT – PHILLIP WILLIS, 1300 CHOCTAW – DISCUSS ISSUES RELATED TO TRUCK NOISE ALONG TOWN EAST BOULEVARD FROM SKYLINE ROAD AND FORNEY ROAD.

Phillip Willis, 1300 Choctaw, requested the Council prohibit trucks from utilizing Town East Boulevard from Skyline Road and Forney Road during the hours of 7:00 p.m. and 7:00 a.m. He stated that large trucks driving along Town East Boulevard result in noise and vibration felt by residents in the adjacent houses, especially during the evening and overnight hours. He presented the Council with a petition signed by other residents in the area.

Kylah Willis, 1300 Choctaw, stated that Town East Boulevard has deteriorated due to heavy truck traffic and is concerned about additional truck traffic due to a new development being constructed in the area.

Council directed the Traffic Engineering and City Attorney staff to meet and review the materials submitted and report their findings at the September 8, 2009, City Council meeting.

CITIZENS INPUT HEARING.

2. A. PUBLIC HEARING – RECEIVE CITIZEN INPUT REGARDING THE JUVENILE CURFEW ORDINANCE – HELD.

A public hearing was held to receive citizen input regarding the juvenile curfew ordinance.

The juvenile curfew ordinance was originally adopted in October 1994 and provides for a penalty if a minor remains in a public place or at an establishment between the hours of 11:00 p.m. and 6:00 a.m., on weeknights or between midnight and 6:00 a.m., on Friday or Saturday nights, unless one of nine exceptions or defenses is present. State law requires that the governing body review the juvenile curfew ordinance every three years to determine if it has been successful and should be continued. In September 1997, August 2000, August 2003 and August 2006, the Council reviewed the juvenile curfew ordinance and approved Resolution No. 32-97, Resolution No. 36-2000, Resolution No. 43-2003 and Resolution No. 49-2006, respectively, continuing the juvenile curfew ordinance.

No one appeared regarding the juvenile curfew ordinance. Mayor Monaco declared the public hearing closed.

B. RESOLUTION NO. 27-2009 – CONTINUING THE JUVENILE CURFEW ORDINANCE – APPROVED.

Mr. Tarpley moved to approve Resolution No. 27-2009, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, FINDING THAT THE JUVENILE CURFEW ORDINANCE NO. 2996 HAS HAD A POSITIVE EFFECT ON THE COMMUNITY AND ON THE PROBLEMS THE ORDINANCE WAS INTENDED TO REMEDY; AND THE COUNCIL HAS FOUND THERE IS A NEED TO CONTINUE THE ORDINANCE FOR THE PERIOD AUTHORIZED BY LAW. Motion was seconded by Mr. Noschese and approved by all voting "Aye." (Resolution No. 27-2009 recorded on page of Resolution Book No. 43.)

CONSENT AGENDA.

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

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 3, 2009.
4. ORDINANCE NO. 4057 – AMENDING CHAPTER 4 OF THE CITY CODE REGARDING ANIMAL ADOPTION POLICIES.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTIONS 4-53 (3) - (5) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 4-53 (3) AND (4) THEREBY ESTABLISHING NEW ADOPTION RATES FOR ANIMALS ADOPTED FROM THE CITY OF MESQUITE ANIMAL SHELTER AND ADOPTION CENTER; 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 PROVIDING AN EFFECTIVE DATE THEREOF.

5. RESOLUTION NO. 28-2009 – AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF HURST TO ALLOW THE PURCHASE OF 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 HURST TO ESTABLISH A COOPERATIVE PURCHASING PROGRAM BETWEEN THE TWO CITIES. (Resolution No. 28-2009 recorded on page _____ of Resolution Book No. 43.)

6. RESOLUTION NO. 29-2009 – APPROVING THE MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR FISCAL YEAR 2009-10.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR THE FISCAL YEAR 2009-10 AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. (Resolution No. 29-2009 recorded on page _____ of Resolution Book No. 43.)

7. RESOLUTION NO. 30-2009 – AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY IN CONJUNCTION WITH THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK FOR FISCAL YEAR 2009-10 IN AN AMOUNT NOT TO EXCEED \$80,855.00.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT WITH DALLAS COUNTY IN CONJUNCTION WITH THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK FOR FISCAL YEAR 2009-10 IN AN AMOUNT NOT TO EXCEED \$80,855.00. (Resolution No. 30-2009 recorded on page of Resolution Book No. 43.)

8. RFP 2009-054 – ANNUAL CONTRACT FOR VETERINARY SERVICES – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH KAUFMAN COUNTY ANIMAL AWARENESS PROJECT – APPROVED PER COUNCIL DIRECTION GIVEN DURING PRE-MEETING.
9. BID NO. 2009-110 – EVANS COMMUNITY CENTER UPGRADES – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH CONCORD COMMERCIAL SERVICES, INC., THROUGH BID NO. 2008-092, TIME AND MATERIALS, IN AN AMOUNT NOT TO EXCEED \$314,840.00.
10. BID NO. 2009-111 – EVANS COMMUNITY CENTER FLOORING – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH SPECTRA CONTRACT FLOORING, INC., THROUGH TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), AN ALTERNATIVE PURCHASING METHOD OF THE TEXAS PROCUREMENT AND SUPPORT SERVICES (TPASS), IN THE AMOUNT OF \$91,493.24.
11. AUTHORIZED THE ANNULMENT OF BID NO. 2009-091, GROUP 5, ITEM NO. 42, TO HENRY SCHEIN MARTX MEDICAL AND RE-AWARD BID NO. 2009-091, GROUP 5, ITEM NO. 42, TO SOLE SOURCE PROVIDER BOUNDTREE MEDICAL IN THE AMOUNT OF \$1,608.00.
12. CITY MANAGER AUTHORIZED TO EXECUTE A CHANGE ORDER WITH DALLAS COUNTY INSTITUTE OF FORENSIC SCIENCE FOR MAINTENANCE AND REPAIRS OF THE INTOXILYZER DEVICE IN THE AMOUNT OF \$2,710.00.
13. CITY MANAGER AUTHORIZED TO EXECUTE A CHANGE ORDER WITH SUNBEAM FOODS, INC. FOR THE PURCHASE OF SANDWICHES AND CHIPS FOR MESQUITE POLICE DETENTION FACILITY PRISONERS IN THE AMOUNT OF \$4,800.00.
14. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 3 TO CITY CONTRACT NO. 2009-076, PARK IMPROVEMENTS AT EVANS RECREATION CENTER AND EVANS PARK SENIOR CENTER, WITH J. T. TURNER, INC., FOR ADDITIONAL GRADING AND DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$32,500.00.

15. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE 1054-2009, Annual Supply of Emergency Medical Drugs – \$796.50;
CE 1004-2008, Annual Supply of 92” IV Administration Sets – \$231.00 and
CE 1122-2008, Annual Supply of Small Tools – \$5,000.00.)

END OF CONSENT AGENDA.

PUBLIC HEARING.

16. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH FOOD SERVICE CONCEPTS, INC. TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH PROPERTY LOCATED AT THE SOUTHEAST CORNER OF US HIGHWAY 80 AND BELT LINE ROAD – POSTPONED UNTIL THE SEPTEMBER 8, 2009, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider a program with Food Service Concepts, Inc. to promote economic development and stimulate business and commercial activity in conjunction with property located at the southeast corner of US Highway 80 and Belt Line Road.

Mr. Pickett moved to postpone a public hearing to consider a program with Food Service Concepts, Inc. to promote economic development and stimulate business and commercial activity in conjunction with property located at the southeast corner of US Highway 80 and Belt Line Road until the September 8, 2009, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

- B. CONSIDER APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH FOOD SERVICE CONCEPTS, INC. TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN CONJUNCTION WITH PROPERTY LOCATED AT THE SOUTHEAST CORNER OF US HIGHWAY 80 AND BELT LINE ROAD – POSTPONED UNTIL THE SEPTEMBER 8, 2009, CITY COUNCIL MEETING.

Mr. Pickett moved to postpone approving the terms and conditions of a program with Food Service Concepts, Inc. to promote economic development and stimulate business and commercial activity in conjunction with property located at the southeast corner of US Highway 80 and Belt Line Road until the September 8, 2009, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

SPECIAL ANNOUNCEMENT.

Councilmember Greg Noschese announced that he was resigning as Councilmember effective today to run for the office of Texas House of Representatives, District 101. He expressed appreciation to the Council, citizens and his family for their support.

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The meeting adjourned at 3:27 p.m.

Sonja Land
City Secretary

John Monaco
Mayor