

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 1:00 P.M.,
JANUARY 4, 2010, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers 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 – 1:00 P.M.

The City Council met in the City Council Conference Room beginning at 1:00 p.m. to discuss the items on the Regular Agenda.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:07 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 (Contract for Purchase and Sale of Real Property with Roundstone Development, LLC, for 4.5-acres located in the 3500 block of Emporium Square); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:22 p.m., the City Council reconvened in Open Session.

See Consent Agenda Item No. 7 for executive action taken.

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.

CITIZENS FORUM.

LaShonda Young, 920 Gross Road, Apt. 1027, expressed concern regarding the abuse of power.

CONSENT AGENDA.

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 21, 2009.

2. ORDINANCE NO. 4073 – TERMINATING THE MASTER DEVELOPMENT AGREEMENT AMENDED AND RESTATED JULY 2005 (AND AS SUBSEQUENTLY AMENDED) BY AND AMONG THE CITY OF MESQUITE, TEXAS, THE MESQUITE INDEPENDENT SCHOOL DISTRICT, FALCON'S LAIR UTILITY AND RECLAMATION DISTRICT, FALCON'S LAIR, LP, AND KOLL DEVELOPMENT COMPANY.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, TERMINATING THE MASTER DEVELOPMENT AGREEMENT AMENDED AND RESTATED JULY 2005 (AND AS SUBSEQUENTLY AMENDED) BY AND AMONG THE CITY OF MESQUITE, TEXAS, THE MESQUITE INDEPENDENT SCHOOL DISTRICT, FALCON'S LAIR UTILITY AND RECLAMATION DISTRICT, FALCON'S LAIR, LP, AND KOLL DEVELOPMENT COMPANY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4073 recorded on page of Ordinance Book No. 94.)

3. RESOLUTION NO. 01-2010 – AMENDING RESOLUTION NO. 40-2009 BY ADDING FUNDING VERBIAGE REGARDING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE GREENBELT OF CLAY MATHIS GREENBELT PARK FROM BRANDY STATION PARK TO TERRY MIDDLE SCHOOL.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 40-2009 BY ADDING FUNDING VERBIAGE REGARDING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE GREENBELT OF CLAY MATHIS GREENBELT PARK FROM BRANDY STATION PARK TO TERRY MIDDLE SCHOOL. (Resolution No. 01-2010 recorded on page of Resolution Book No. 43.)

4. RESOLUTION NO. 02-2010 – AMENDING RESOLUTION NO. 41-2009 BY ADDING FUNDING VERBIAGE REGARDING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE RIGHT-OF-WAYS OF MILITARY PARKWAY AND HICKORY TREE ROAD.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 41-2009 BY ADDING FUNDING VERBIAGE REGARDING A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE RIGHT-OF-WAYS OF MILITARY PARKWAY AND HICKORY TREE ROAD. (Resolution No. 02-2010 recorded on page of Resolution Book No. 43.)

5. BID NO. 2010-050 – PURCHASE OF COMPUTER EQUIPMENT AND SOFTWARE FOR POLICE DEPARTMENT – AWARDED TO DELL, INC., FOR SERVERS, STORAGE ARRAYS AND PERSONAL COMPUTERS IN THE AMOUNT OF \$84,556.88 AND TO DELL ASAP SOFTWARE FOR SOFTWARE AND SOFTWARE LICENSES IN THE AMOUNT OF \$11,422.62 THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AND VMWARE SOFTWARE AND UNINTERRUPTIBLE POWER SUPPLIES TO CDWG IN THE AMOUNT OF \$19,413.58 THROUGH THE COOPERATIVE PURCHASING NETWORK FOR A TOTAL AMOUNT OF \$115,393.08.
6. APPROVED AMENDMENT NO. 2 TO THE 2009-10 POLICE SEIZURE BUDGET IN COMPLIANCE WITH CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE IN THE AMOUNT OF \$132,135.00.
7. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT FOR PURCHASE AND SALE OF REAL PROPERTY WITH ROUNDSTONE DEVELOPMENT, LLC, FOR 4.5-ACRES LOCATED IN THE 3500 BLOCK OF EMPORIUM SQUARE APPROXIMATELY 600 FEET EAST OF THE INTERSECTION OF EMPORIUM CIRCLE AND EMPORIUM SQUARE.

END OF CONSENT AGENDA.

PUBLIC HEARING.

8. PUBLIC HEARING – ZONING – APPLICATION NO. 1095-51-2009 SUBMITTED BY MATT CARBY OF ENTERTAINMART TOWN EAST, LLC, FOR A ZONING CHANGE FROM COMMERCIAL WITH TERRA OVERLAY TO COMMERCIAL WITH TERRA OVERLAY WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF USED DVDS, CDS, GAMES AND ASSORTED SMALL ELECTRONICS LOCATED AT 2063 TOWN EAST MALL – POSTPONED UNTIL THE JANUARY 19, 2010, CITY COUNCIL MEETING.

A public hearing was held to consider Application No. 1095-51-2009 submitted by Matt Carby of Entertainmart Town East, LLC, for a zoning change from Commercial with TERRA Overlay to Commercial with TERRA Overlay with a Conditional Use Permit to allow for the sale of used DVDs, CDs, games and assorted small electronics. This property is further described as a 4,313-square-foot lease space located at 2063 Town East Mall.

Applicant Matt Carby stated that the company has been in business since 2003 and currently operates six stores, four in the Dallas area, one in Colorado Springs, Colorado, and one in Springfield, Missouri. The average store contains 30,000 square feet with mall locations ranging from 3,000 to 9,000 square feet. The company is a buy/sell retail establishment for items such as DVDs, CDs, video games, movies, Ipods, cell phones and posters with 10 to 20 percent being new merchandise. Entertainmart utilizes the LeadsOnline database and verifies each transaction with a valid driver's license. The Mesquite store will only issue store credit for items being sold or traded.

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

Mr. Porter moved to postpone Application No. 1095-51-2009 for a zoning change from Commercial with TERRA Overlay to Commercial with TERRA Overlay with a Conditional Use Permit until the January 19, 2010, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

15. APPOINTMENT OF TWO ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT, ONE FOR A TERM TO EXPIRE JANUARY 1, 2011, AND ONE FOR A TERM TO EXPIRE JANUARY 1, 2012.

Mr. Pickett moved to postpone appointment of two alternate members to the Board of Adjustment until the January 19, 2010, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

16. APPOINTMENT OF TWO MEMBERS TO THE AUTOMATED TRAFFIC SIGNAL ENFORCEMENT ADVISORY COMMITTEE FOR TERMS TO EXPIRE JANUARY 1, 2012.

Mr. Pickett moved to postpone appointment of two members to the Automated Traffic Signal Enforcement Advisory Committee until the January 19, 2010, City Council meeting. Motion was seconded by Mr. Forsythe and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Porter and approved unanimously. The meeting adjourned at 3:15 p.m.

Sonja Land
City Secretary

John Monaco
Mayor