

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, FEBRUARY 16, 2009, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Shirley Roberts, Stan Pickett, Dennis Tarpley, Greg Noschese and Al Forsythe, 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 discuss General Fund budget status.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:40 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 the Mesquite Metro Airport); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 12:45 p.m., the City Council reconvened in Open Session.

Executive action resulting from the closed session was taken later in the meeting.

**WORK SESSION – CITY COUNCIL CHAMBER – 1:06 P.M.**

A. **MONTHLY FINANCIAL REPORT FOR DECEMBER 2008 – RECEIVED.**

Don Simons, Director of Finance, presented the monthly financial report for December 2008.

The Work Session ended at 1:14 p.m.

**REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:00 P.M.**

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

The Pledge of Allegiance was led by Ashley Hamilton-Robinson, Arturo Gaytan and Zoni Barcus, fourth grade students from Rugel Elementary School.

**SPECIAL ANNOUNCEMENT.**

(1) Mayor Monaco recognized Boy Scout Andrew Graf, Troop 138, who is working on his Citizenship in the World badge.

**PRESENTATION OF AWARDS.**

1. PRESENTATION OF MERITORIOUS AWARDS TO FIRE DEPARTMENT EMPLOYEES.

Fire Chief Mark Kerby presented meritorious awards to Fire Department employees in recognition of their achievements and outstanding service. Awards were presented as follows: (1) "Making a Difference" Fire Chief Award to Emergency Management Coordinator Phillip Mongeau; (2) Paramedic of the Year to Firefighter/Paramedic Woodrow Courtney; (3) Fire Officer of the Year to Lieutenant Kelly Turner; (4) Firefighter of the Year to Firefighter/Paramedic Jeffrey Dillon and (5) Lifesaving Awards to Lieutenant Bradley Burney, Driver/Engineer Scott Harrell, Firefighter/Paramedic Mike Park, Firefighter/Paramedic Blake Turner, Firefighter/Paramedic Mike Gayle and Firefighter/Paramedic Chad Holmes.

Those not present to receive awards included: Captain Jon Capps and Firefighter/Paramedic David David.

A brief recess was taken.

2. PRESENTATION OF AWARDS FROM THE TEXAS CHAPTER OF THE AMERICAN PLANNING ASSOCIATION.

Richard Gertson, Director of Community Development, presented the Mayor and City Council with the following awards from the Texas Chapter of the American Planning Association: (1) Best Comprehensive Plan for 2008 and (2) Honorable Mention for the 2008 Community of the Year.

CONSENT AGENDA.

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

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 2, 2009.
4. ORDINANCE NO. 4034 – AMENDING CHAPTER 13 OF THE CITY CODE REGARDING NONCONFORMING AND OBSOLETE SIGNS AND SPECIFICATIONS FOR MONUMENT SIGNS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTIONS 13-6(4), 13-71, 13-73(10)(B) AND 13-73(10)(C) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 13-6(4), 13-71, 13-73(10)(B) AND 13-73(10)(C) THEREBY UPDATING THE REGULATIONS ON NONCONFORMING AND OBSOLETE SIGNS AND SPECIFICATIONS FOR MONUMENT SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE. (Ordinance No. 4034 recorded on page                      of Ordinance Book No. 92.)

5. RESOLUTION NO. 05-2009 – ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 05-2009 recorded on page                      of Resolution Book No. 42.)

6. BID NO. 2009-061 – ANNUAL CONTRACT FOR CONCRETE CRUSHING CONTRACTOR – AWARDED TO LOW BIDDER WEIR BROTHERS, INC., IN THE AMOUNT OF \$73,200.00.
7. BID NO. 2009-077 – ANNUAL SUPPLY OF DIESEL – AWARDED TO MARTIN EAGLE OIL COMPANY AS THE PRIMARY VENDOR AND DOUGLASS DISTRIBUTING AS THE SECONDARY VENDOR THROUGH AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE CITY OF FORT WORTH PER THE DALLAS METRO TEXAS OIL PRICE INFORMATION SERVICE RACK AVERAGE PETROSTAT NET PRICE.
8. BID NO. 2009-078 – ANNUAL SUPPLY OF E85 ETHANOL AND UNLEADED GASOLINE – AWARDED TO MARTIN EAGLE OIL COMPANY THROUGH AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE CITY OF FORT WORTH PER THE DALLAS METRO TEXAS OIL PRICE INFORMATION SERVICE RACK AVERAGE PETROSTAT NET PRICE.
9. BID NO. 2009-080 – FITNESS EQUIPMENT FOR THE POLICE DEPARTMENT – AWARDED TO LIFE FITNESS FOR EXERCISE EQUIPMENT IN THE AMOUNT OF \$62,377.95 AND IRON GRIP BARBELL COMPANY FOR FREE WEIGHTS IN THE AMOUNT OF \$14,286.00 FROM TEXAS PROCUREMENT AND SUPPORT SERVICES (TPASS) THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) FOR A TOTAL AMOUNT OF \$76,663.95.
10. BID NO. 2009-082 – PUBLIC SAFETY MOBILE DATA SYSTEM CONNECTIVITY SERVICE – AWARDED TO AT&T MOBILITY THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES IN THE AMOUNT OF \$9,097.30 PER MONTH OR A TOTAL OF \$109,167.60.
11. RATIFIED A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MESQUITE, TEXAS, AND MESQUITE POLICE ASSOCIATION UNDER SUBCHAPTER B OF CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE (MEET AND CONFER) EXPIRING SEPTEMBER 30, 2010, AND CITY MANAGER AUTHORIZED TO EXECUTE THE MEMORANDUM OF UNDERSTANDING.

12. CITY MANAGER AUTHORIZED TO EXECUTE A LEASE AGREEMENT WITH TEXAS ENGINEERING EXTENSION SERVICE (TEEX) FOR A 33.2-ACRE SITE LOCATED AT IH 20 AND LUMLEY ROAD TO BE UTILIZED BY THE NORTH TEXAS REGIONAL TRAINING CENTER.
13. RECEIVED SEMIANNUAL REPORT FROM THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 395.058 (C)(4) OF THE TEXAS LOCAL GOVERNMENT CODE.
14. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.  
(CE 2008-069, Annual Supply of Janitorial Supplies – \$6,697.50 and CE 2009-006, 13 Police Pursuit Vehicles – \$850.00.)

**END OF CONSENT AGENDA.**

**PUBLIC HEARING.**

15. PUBLIC HEARING – ZONING TEXT AMENDMENT NO. 2009-1 AND ORDINANCE NO. 4035 AMENDING SECTION 3-203 OF THE MESQUITE ZONING ORDINANCE CREATING NEW REGULATIONS ON THE LOCATION, APPEARANCE AND SITE DESIGN OF BAIL BOND ESTABLISHMENTS.

A public hearing was held to consider Zoning Text Amendment No. 2009-1 amending Section 3-203 of the Mesquite Zoning Ordinance creating new regulations on the location, appearance and site design of bail bond establishments.

Richard Gertson, Director of Community Development, stated that the Planning staff initiated the proposed zoning text amendment to help control the concentration of bail bond agency establishments. The proposed amendment would permit such establishments by-right only in the Commercial and Industrial zoning classifications and by Conditional Use Permit in the Light Commercial district such as the Gross Road/Kearney Street corridor. These establishments would be prohibited from all overlay districts regardless of the underlying zoning, must be separated by at least 200 feet and fully visible from the street.

Mr. Gertson added that the properties located near the new Police facility are primarily Office and General Retail districts.

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

Mr. Pickett moved to approve Application No. 2009-1 amending Section 3-203 of the Mesquite Zoning Ordinance, as recommended by the Planning and Zoning Commission, and to modify by excluding general retail and office classifications, and to approve Ordinance No. 4035, 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 UNDER

SECTION 3-203 THEREBY CREATING NEW REGULATIONS ON THE LOCATION, APPEARANCE AND SITE DESIGN OF BAIL BOND ESTABLISHMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR 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 Ms. Roberts and approved by all voting "Aye." (Ordinance No. 4035 recorded on page of Ordinance Book No. 92.)

**ACTION RESULTING FROM EXECUTIVE SESSION AT 12:40 P.M.**

Mr. Noschese moved to authorize the City Manager to pursue land acquisition near the Mesquite Metro Airport under the terms discussed in Executive Session. The motion was seconded by Mr. Tarpley and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 4:00 p.m.

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Sonja Land  
City Secretary

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John Monaco  
Mayor