

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:00 A.M.,
JULY 6, 2010, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 11:00 A.M.

The City Council met in the City Council Conference Room beginning at Noon to discuss the items on the Regular Agenda and (1) Tour extraterritorial jurisdiction, (2) Discuss proposed 2010-11 budgets for the Information Technology Department, Library and Airport, (3) Discuss proposed Farmers Market near Downtown Square and (4) Receive briefing regarding properties subject to City-initiated rezoning to the Traditional Neighborhood Multifamily District (TNMF).

(3) Council directed staff to work with Jennifer Vidler, President of Old Town Mesquite, Inc., and Old Town Mesquite to develop a formal plan, beginning with securing the approval of affected property owners for a farmers market.

(4) It was Council consensus to begin City-initiated rezoning of the identified properties.

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

Invocation was given by Chris Railey, Senior Pastor, The Oaks, Mesquite, Texas.

The Pledge of Allegiance was led by Michaela Lay, Jesse Lay, Kaira Lay, Brian Berry and Elaina Berry participants in the Summer Reading Club at the Mesquite Public Library.

SPECIAL ANNOUNCEMENTS.

(1) Ms. Roberts commended the Mesquite Fire Department for their professionalism and for the excellent ambulance service she recently received.

(2) Mayor Monaco announced that the City of Mesquite recently earned the Texas Chapter of the American Public Works Association's 2010 Public Works Project of the Year Award in the \$10-\$100 million transportation category for the improvements completed on IH 635 at Town East Boulevard and surrounding areas. He presented the award to Public Works Director Tim Tumulty.

PRESENTATION OF CERTIFICATE.

1. CERTIFICATE OF ELECTION PRESENTED TO COUNCILMEMBER BRIAN HUTCHESON, PLACE 5.

Mayor Monaco presented Certificate of Election to Councilmember Brian Hutcheson, Place 5.

CITIZENS INPUT HEARINGS.

2. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE PROPOSED 2010-11 CITY BUDGET – HELD.

A public hearing was held to receive input from citizens regarding the proposed 2010-11 City Budget.

No one appeared regarding the proposed 2010-11 City Budget. Mayor Monaco declared the public hearing closed.

3. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE PROPOSED 2010-11 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM BUDGET – HELD.

A public hearing was held to receive input from citizens regarding the proposed 2010-11 Community Development Block Grant (CDBG) Program Budget.

Jennifer Morrison, Executive Director, 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. She stated that New Beginning Center's main office is located in Garland with a satellite office in the Mesquite Social Services building. During the past year, the New Beginning Center has provided outreach and shelter services to 71 Mesquite residents fleeing from domestic violence at no cost to the residents.

No others appeared regarding the preliminary budget for the 2010-11 Community Development Block Grant Program. Mayor Monaco declared the public hearing closed.

CONSENT AGENDA.

Item No. 4 was removed from the Consent Agenda to be considered separately. Mr. Pickett moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.

5. RESOLUTION NO. 31-2010 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TOWN OF SUNNYVALE TO PERMIT THE INSTALLATION AND MAINTENANCE OF A 12-INCH WATER MAIN BY SUNNYVALE IN MESQUITE RIGHT-OF-WAY OF BELT LINE ROAD FROM THE CITY LIMIT NORTH OF TOWN EAST BOULEVARD TO NORTH OF NORTHWEST DRIVE.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TOWN OF SUNNYVALE TO PERMIT THE INSTALLATION AND MAINTENANCE OF A 12-INCH WATER MAIN BY THE TOWN OF SUNNYVALE WITHIN AN EXISTING CITY OF MESQUITE RIGHT-OF-WAY. (Resolution No. 31-2010 recorded on page of Resolution Book No. 44.)

Minutes of regular City Council meeting held July 6, 2010

Page 3

6. BID NO. 2010-055 – HAILEY PUMP STATION IMPROVEMENT PROJECT – 1,000 kW EMERGENCY GENERATOR AND ELECTRICAL IMPROVEMENTS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER KENNEDY ELECTRIC, INC., IN THE AMOUNT OF \$653,600.39.
7. BID NO. 2010-066 – ANNUAL SUPPLY OF TIRES – AWARDED TO LOW BIDDERS SOUTHERN TIRE MART, LLC – \$165,483.45, BLAGG TIRE AND SERVICE – \$41,445.97, GCR TIRE CENTERS – \$22,456.20, WINGFOOT COMMERCIAL TIRE SYSTEMS, LLC – \$15,664.12, A TO Z TIRE & BATTERY, INC. – \$5,747.70 AND DIAMOND SERVICE CENTER – \$5,367.68, FOR A TOTAL AMOUNT OF \$256,165.12.
8. BID NO. 2010-086 – EMS BILLING AND COLLECTION SERVICES – CITY MANAGER AUTHORIZED TO EXECUTE A SERVICE AGREEMENT WITH EMERGICON, LLC, THROUGH AN INTERLOCAL AGREEMENT WITH THE CITY OF MCKINNEY EFFECTIVE OCTOBER 1, 2010, AND ENDING MARCH 17, 2012, WITH TWO ONE-YEAR RENEWAL OPTIONS.
9. APPROVED AMENDMENT NO. 3 TO THE 2009-10 POLICE SEIZURE BUDGET IN COMPLIANCE WITH CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE IN THE AMOUNT OF \$68,390.00.
10. CITY MANAGER AUTHORIZED TO EXECUTE A CHANGE ORDER TO CITY CONTRACT NO. 2010-044, PURCHASE OF A 20' BOMB RESPONSE VEHICLE AND TRUCK CHASSIS, WITH TRIVAN TRUCK BODY TEXAS, LLC, FOR ADDITIONAL ACCESSORIES IN THE AMOUNT OF \$23,600.00.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY.

4. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 21, 2010, AND THE SPECIAL CITY COUNCIL MEETING HELD JUNE 23, 2010 – APPROVED WITH CHANGES.

Mr. Tarpley moved to approve the minutes of the regular City Council meeting held June 21, 2010, and to strike his attendance from the minutes of the Special City Council meeting held June 23, 2010, and to approve the corrected minutes. Motion was seconded by Mr. Pickett and approved unanimously.

END OF CONSENT AGENDA.

PUBLIC HEARING.

11. PUBLIC HEARING – ZONING – APPLICATION NO. 339-16-2010 SUBMITTED BY STEPHEN PLYLER AND JEFF TRAMMEL FOR ANTIQUE GALLERY, LLC, AND ORDINANCE NO. 4099 FOR A ZONING CHANGE FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF USED MERCHANDISE/ANTIQUES LOCATED AT 3330 NORTH GALLOWAY AVENUE, SUITE 225 – APPROVED WITH CERTAIN STIPULATIONS.

Minutes of regular City Council meeting held July 6, 2010

Page 4

A public hearing was held to consider Application No. 339-16-2010 submitted by Stephen Plyler and Jeff Trammel for Antique Gallery, LLC, for a zoning change from General Retail to General Retail with a Conditional Use Permit to allow the sale of used merchandise/antiques. This property is further described as a 36,500-square-foot lease space located at 3330 North Galloway Avenue, Suite 225.

Applicant Stephen Plyler stated that the Antique Gallery has been in business for over ten years and is the largest antique mall chain in the United States specializing in quality, high-end antiques. Their advertising budget is over \$100,000 annually, which includes five regional billboards and advertisements in western magazines and state and national publications. Each vendor's lease stipulates items allowed to be sold in the mall and management can order removal of unapproved items at any time. Mr. Plyler currently operates six stores, which are open seven days a week with the exception of Easter, Thanksgiving and Christmas. At the Mesquite location, they anticipate a full-time manager along with three employees and additional employees available on weekends if needed. The store will contain approximately 250 booths, a tea room, arts and crafts and antiques. He stated they are in agreement with the Planning and Zoning Commission's stipulations.

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

Mr. Pickett moved to approve Application No. 339-16-2010, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. For the purpose of this Conditional Use Permit, *antiques* shall be defined as a product that is sold or exchanged because of value derived or because of oldness as respects the present age and not simply because the same is not a new product. Antiques shall not include donated merchandise.
2. The sale of used merchandise shall be limited to antiques as defined in this Conditional Use Permit.
3. All display merchandise shall be clean, orderly and in good condition. The display of severely damaged items is prohibited.

And to approve Ordinance No. 4099, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT ON PROPERTY ZONED GENERAL RETAIL THEREBY ALLOWING THE SALE OF USED MERCHANDISE/ANTIQUES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Ordinance No. 4099 recorded on page _____ of Ordinance Book No. 95.)

APPOINTMENT TO BOARDS AND COMMISSIONS.

12. APPOINTMENT OF ONE MEMBER TO THE ANIMAL CONTROL ADVISORY COMMITTEE FOR A TERM TO EXPIRE SEPTEMBER 8, 2010.

Mr. Pickett moved to appoint Donald White as a member of the Animal Control Advisory Committee for a term to expire September 8, 2010. Motion was seconded by Ms. Roberts and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Mr. Hutcheson and approved unanimously. The meeting adjourned at 3:31 p.m.

Sonja Land
City Secretary

John Monaco
Mayor