

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, SEPTEMBER 7, 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 – 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 (1) discuss proposed 2010-11 budget and (2) receive briefing and progress report for new City Hall project.

WORK SESSION – CITY COUNCIL CHAMBER – 1:12 P.M.

A. MONTHLY FINANCIAL REPORT FOR JULY 2010 – RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for July 2010.

The work session ended at 1:20 p.m.

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

Invocation was given by Marc Dobson, Vicar, Grace Episcopal Church, Mesquite, Texas.

The Pledge of Allegiance was led by Recreation After School Program participants from Florence Recreation Center.

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 AUGUST 16, 2010.
2. AN ORDINANCE, ON FIRST READING, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM (RRM) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION, DECLARING EXISTING RATES TO BE UNREASONABLE, REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES, ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE, APPROVING ATMOS MID-TEX'S PROOF OF REVENUES, EXTENDING THE RRM PROCESS FOR TWO CYCLES AND ADOPTING A NEW RRM TARIFF, RATIFYING THE SETTLEMENT AGREEMENT INCLUDING COST

RECOVERY FOR A STEEL SERVICE LINE REPLACEMENT PROGRAM AND ADOPTING A SAVINGS CLAUSE.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX") REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS MID-TEX'S PROOF OF REVENUES; EXTENDING THE RRM PROCESS FOR TWO CYCLES AND ADOPTING A NEW RRM TARIFF; RATIFYING THE SETTLEMENT AGREEMENT INCLUDING COST RECOVERY FOR A STEEL SERVICE LINE REPLACEMENT PROGRAM; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

3. ORDINANCE NO. 4103 – AMENDING CHAPTER 5 OF THE CITY CODE REGARDING FEES FOR BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY, EFFECTIVE OCTOBER 1, 2010.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTIONS 5-20(c) AND 5-33(a) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-20(c) AND 5-33(a) THEREBY AMENDING VARIOUS FEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4103 recorded on page of Ordinance Book No. 95.)

4. ORDINANCE NO. 4104 – AMENDING CHAPTER 8 OF THE CITY CODE PROHIBITING THE USE, PURCHASE, POSSESSION AND SALE OF ILLEGAL SMOKING PRODUCTS AND INGESTION DEVICES AS DEFINED HEREIN WITHIN THE CITY LIMITS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW ARTICLE XII THEREBY PROHIBITING THE USE, PURCHASE, POSSESSION AND SALE OF ILLEGAL SMOKING PRODUCTS AND INGESTION DEVICES AS DEFINED HEREIN WITHIN THE CITY LIMITS; 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. (Ordinance No. 4104 recorded on page of Ordinance Book No. 95.)

5. ORDINANCE NO. 4105 – AMENDING SECTION 9-147 OF THE CITY CODE REGARDING SCHOOL ZONES, EFFECTIVE SEPTEMBER 9, 2010.

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AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-147(1)(a) OF THE CODE OF THE CITY OF MESQUITE CONCERNING THE LOCATION OF SCHOOL ZONES BY ADDING SCHOOL ZONES ON TRIPP ROAD FOR AUSTIN ELEMENTARY SCHOOL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4105 recorded on page _____ of Ordinance Book No. 95.)

6. ORDINANCE NO. 4106 – REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATING TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS AND SPECIFICALLY REPEALING ORDINANCE NO. 4015.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATING TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING ORDINANCE NO. 4015; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4106 recorded on page _____ of Ordinance Book No. 95.)

7. RFP NO. 2010-071 – MEDICAL AND DENTAL COVERAGE – CITY MANAGER AUTHORIZED TO EXECUTE THE 2011 PREMIUM RENEWAL AGREEMENT WITH CIGNA HEALTHCARE, INC., PROVIDING EMPLOYEE/RETIREE DPPO AND DHMO DENTAL PLANS EFFECTIVE JANUARY 1, 2011.
8. BID NO. 2010-078 – ANNUAL SUPPLY OF MAGNETIC WATER METERS – AWARDED TO LOW BIDDER HD SUPPLY WATERWORKS IN THE AMOUNT OF \$114,827.50.
9. RATIFIED A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MESQUITE, TEXAS, AND THE MESQUITE POLICE ASSOCIATION UNDER SUBCHAPTER B OF CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE (MEET AND CONFER) EXPIRING SEPTEMBER 30, 2012, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING.
10. APPOINTMENT OF DR. JESSIE DOYAL AS THE COORDINATING PHYSICIAN FOR THE MESQUITE PUBLIC HEALTH CLINIC FOR A ONE-YEAR TERM TO EXPIRE SEPTEMBER 30, 2011.

END OF CONSENT AGENDA.

PUBLIC HEARING.

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

A public hearing was held regarding the proposed 2010-11 City budget.

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Ted Chinn, Managing Director of Administrative Services, stated that the public hearing is required by state law and at the conclusion of the public hearing the City Council must take action on the proposed budget, either to approve or postpone the vote to the next City Council meeting.

The following persons spoke regarding the proposed 2010-11 City budget: (1) William Cody, 1500 Panola Drive; (2) John Piland, 4803 Bedford Drive; (3) LaHoma Wisel, 3409 Flamingo Way; (4) David Fitzgerald, 1837 Palo Alto Drive; (5) Marcia Mayse, 214 Brazos Lane, Sunnyvale; (6) Scott McKim, 4801 La Paz Drive; (7) Jennifer Vidler, 300 Clear Springs Drive; (8) Nolan Connatser, 1629 Meadowglen Lane; (9) Louis Bridges, 2202 Schirra Way; (10) Bruce Archer, 429 South Walker and (11) Tom Brashear, 1417 Panola Drive. Their concerns included higher property taxes, increasing medical cost for City of Mesquite retirees, lack of City homestead exemption and time of day City Council meetings are held.

(1) Virginia Stuit, 2308 Lovell Drive; (2) Janet Rohde, 2513 Bamboo Street; (3) Barbara Dunn, 216 Menlo Drive; (4) Fred Sherman, 2429 Bent Brook Drive; (5) William A. Fullington, 406 Feather Crest Lane and (6) Sharyn Sparks, 406 Feather Crest Lane submitted registration cards expressing opposition to higher property taxes but did not wish to speak.

No others appeared regarding the proposed 2010-11 budget. Mayor Monaco declared the public hearing closed.

B. ORDINANCE NO. 4107 – APPROVING THE BUDGET FOR FISCAL YEAR 2010-11 AND APPROPRIATING THE NECESSARY FUNDS FOR THE MAINTENANCE AND OPERATION OF THE CITY AND FOR ACTIVITIES AND IMPROVEMENTS AS SET FORTH IN THE BUDGET – APPROVED.

Councilmembers expressed appreciation to the citizens for expressing their concerns regarding the proposed budget.

Mr. Tarpley moved to postpone consideration of an ordinance approving the budget for fiscal year 2010-11 and appropriating the necessary funds for the maintenance and operation of the City and for activities and improvements as set forth in the budget until the September 20, 2010, City Council meeting. Motion died for lack of a second.

Mr. Porter moved to approve Ordinance No. 4107, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FUNDS FOR THE FISCAL YEAR 2010-11 BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

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Ayes: Porter, Forsythe, Monaco, Pickett, Roberts, Hutcheson
Nays: Tarpley

Motion carried. (Ordinance No. 4107 recorded on page of Ordinance Book No. 95.)

APPOINTMENTS TO BOARDS AND COMMISSIONS.

12. APPOINTMENT OF FOUR MEMBERS TO THE MESQUITE VETERANS' AFFAIRS AND MEMORIAL ADVISORY BOARD FOR TERMS TO EXPIRE SEPTEMBER 7, 2012.

Mr. Pickett moved to appoint Councilmember Bill Porter, Linda Rose, Jerry Dittman and Gene Chennault as members of the Mesquite Veterans' Affairs and Memorial Advisory Board for terms to expire September 7, 2012. Motion was seconded by Ms. Roberts and approved unanimously.

13. APPOINTMENT OF ONE MEMBER TO THE AUTOMATED TRAFFIC SIGNAL ENFORCEMENT ADVISORY COMMITTEE FOR A TERM TO EXPIRE JANUARY 1, 2012.

Mr. Pickett moved to appoint Bruce Archer as a member to the Automated Traffic Signal Enforcement Advisory Committee, by designation of Mayor Pro Tem Bill Porter, City Council, Place 1, for a term to expire January 1, 2012. Motion was seconded by Mr. Forsythe and approved unanimously.

14. APPOINTMENT OF FIVE MEMBERS TO THE ANIMAL CONTROL ADVISORY COMMITTEE FOR TERMS TO EXPIRE SEPTEMBER 8, 2012.

Ms. Roberts moved to reappoint Donald White, Valerie Bradley, Karen McLeod-Ellis, Dr. Michelle Quinn and Jimmy Stephens as members of the Animal Control Advisory Committee for terms to expire September 8, 2012. Motion was seconded by Mr. Pickett and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Forsythe and approved unanimously. The meeting adjourned at 3:55 p.m.

Sonja Land
City Secretary

John Monaco
Mayor