

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,
SEPTEMBER 8, 2009, 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 – NOON.

The City Council met in the City Council Conference Room beginning at Noon to discuss the items on the Regular Agenda and receive briefing regarding audio-visual and technology enhancements in new City Hall project.

Council expressed interest in providing streaming video of City Council meetings held in the new City Hall facility. Staff was directed to pursue this technology.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:58 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 (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 1:14 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:19 P.M.

The City Council met in Executive Session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other employees (discuss election of a qualified candidate to serve in the City Council, Place 4 position until the next regular municipal election); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:42 p.m., the City Council reconvened in Open Session.

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

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

Invocation was given by Jerry Minx, Minister of Pastoral Care, Lake Pointe Church, Mesquite, Texas.

The Pledge of Allegiance was led by Recreation After School Program participants from Thompson Gym.

CITIZENS FORUM.

James Darr, 4118 Ocean Reef, expressed concern regarding unwanted newspaper publications littering yards in his neighborhood.

CONSENT AGENDA.

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 17, 2009.
2. ORDINANCE NO. 4058 – ADOPTING REVISIONS TO THE 2008-09 AMENDED BUDGET.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF 2008-09 APPROVED BY ORDINANCE NO. 3989 ON SEPTEMBER 15, 2008, AND LATER AMENDED BY ORDINANCE NO. 4047 ON MAY 18, 2009, BY APPROPRIATING THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATIONS OF VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS OF THE CITY AS PROVIDED FOR IN SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4058 recorded on page of Ordinance Book No. 93.)

3. RESOLUTION NO. 31-2009 – AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH TARRANT COUNTY 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 TARRANT COUNTY TO ESTABLISH A COOPERATIVE PURCHASING PROGRAM BETWEEN THE TWO ENTITIES. (Resolution No. 31-2009 recorded on page of Resolution Book No. 43.)

4. RESOLUTION NO. 32-2009 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT PROJECT PARTICIPATION AGREEMENT AND ALL SUPPORTING DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AIRPORT IMPROVEMENTS TO THE MESQUITE METRO AIRPORT IN THE AMOUNT OF \$83,450.00.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT PROJECT PARTICIPATION AGREEMENT AND ALL SUPPORTING DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AIRPORT IMPROVEMENTS TO THE MESQUITE METRO AIRPORT IN THE AMOUNT OF \$83,450.00. (Resolution No. 32-2009 recorded on page of Resolution Book No. 43.)

5. BID NO. 2009-114 – EMPLOYEE SCHEDULING SOFTWARE FOR PUBLIC SAFETY – AWARDED TO SHI-GOVERNMENT SOLUTIONS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, IN THE AMOUNT OF \$130,000.00.
6. BID NO. 2009-115 – PURCHASE OF CRIMEVIEW SERVER AND OMEGA DASHBOARD – AWARDED TO SOLE SOURCE PROVIDER THE OMEGA GROUP IN AN AMOUNT NOT TO EXCEED \$62,960.00.
7. AUTHORIZED THE ANNULMENT OF BID NO. 2009-094, ANNUAL SUPPLY OF TIRES, ITEM NO. 25, TO BLAGG TIRE & SERVICE AND RE-AWARDED BID NO. 2009-094, ANNUAL SUPPLY OF TIRES, ITEM NO. 25, TO NEXT LOW BIDDER SOUTHERN TIRE MART, IN THE AMOUNT OF \$31,689.00.
8. APPOINTMENT OF DR. JESSIE DOYAL AS THE COORDINATING PHYSICIAN FOR THE MESQUITE PUBLIC HEALTH CLINIC FOR A ONE-YEAR TERM TO EXPIRE SEPTEMBER 30, 2010.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

9. A. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE PROPOSED 2009-10 CITY BUDGET – HELD.

A public hearing was held regarding the proposed 2009-10 City budget.

No one appeared regarding the proposed 2009-10 City budget. Mayor Monaco declared the public hearing closed.

- B. CONSIDER AN ORDINANCE APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 AND APPROPRIATING THE NECESSARY FUNDS FOR THE MAINTENANCE AND OPERATION OF THE CITY AND FOR ACTIVITIES AND IMPROVEMENTS AS SET FORTH IN THE BUDGET – POSTPONED UNTIL THE SEPTEMBER 21, 2009, CITY COUNCIL MEETING.

Mr. Pickett moved to postpone consideration of an ordinance approving the budget for fiscal year 2009-10 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 21, 2009, City Council meeting. Motion was seconded by Mr. Porter and approved unanimously.

10. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH CONTINENTAL FOODS, 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 – HELD.

A public hearing was held to consider a program with Continental Foods, 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. This item was postponed at the August 17, 2009, City Council meeting. The project name has changed from Food Service Concepts, Inc. to Continental Foods, Inc.

Tom Palmer, Manager of Economic Development, stated that two restaurants have previously occupied this site, which is located within a gateway to the City. Mr. Palmer introduced Kevin Killham, representing Continental Foods, Inc., which is a project management company that assists with the development of Denny's restaurant. Mr. Killham stated that Continental Foods, Inc., currently has 20 Denny's restaurants in the Dallas-Fort Worth area.

No one appeared regarding a program with Continental Foods, 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. Mayor Monaco declared the public hearing closed.

- B. CONSIDER APPROVING THE TERMS AND CONDITIONS OF A PROGRAM (CHAPTER 380 AGREEMENT) WITH CONTINENTAL FOODS, 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 – APPROVED.

Mr. Pickett made a motion to approve the terms and conditions of a program with Continental Foods, 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. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

Ayes: Pickett, Forsythe, Monaco, Porter, Roberts
Nays: Tarpley
Abstentions: None

Motion carried.

11. PUBLIC HEARING – ZONING TEXT AMENDMENT NO. 2009-4 AND ORDINANCE NO. 4059 AMENDING SECTION 5-400 OF THE MESQUITE ZONING ORDINANCE PERTAINING TO ATTENDANCE REQUIREMENTS FOR THE BOARD OF ADJUSTMENT – APPROVED.

A public hearing was held to consider Zoning Text Amendment No. 2009-4 amending Section 5-400 of the Mesquite Zoning Ordinance pertaining to attendance requirements for the Board of Adjustment.

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

Mr. Pickett moved to approve Zoning Text Amendment No. 2009-4 amending Section 5-400 of the Mesquite Zoning Ordinance, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4059, 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 DELETIONS UNDER SECTION 5-402(B) THEREBY AMENDING THE ATTENDANCE REQUIREMENTS FOR MEMBERS OF THE BOARD OF ADJUSTMENT; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Porter and approved by all voting "Aye." (Ordinance No. 4059 recorded on page of Ordinance Book No. 93.)

12. PUBLIC HEARING – ZONING – APPLICATION NO. 342-14B-2009 SUBMITTED BY DARRYL QUIGLEY, TEXAS LIFELINE CORPORATION, FOR A ZONING CHANGE FROM COMMERCIAL – MILITARY PARKWAY/SCYENE CORRIDOR OVERLAY TO COMMERCIAL MILITARY PARKWAY/SCYENE CORRIDOR OVERLAY WITH A CONDITIONAL USE PERMIT TO ALLOW THE PROPERTY TO BE USED FOR AN AMBULANCE AND DISPATCH SERVICES LOCATED AT 1210 WEST SCYENE ROAD, SUITE D – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 342-14B-2009 submitted by Darryl Quigley, Texas Lifeline Corporation, for a zoning change from Commercial – Military Parkway/Scyene Corridor Overlay to Commercial – Military Parkway/Scyene Corridor Overlay with a Conditional Use Permit to allow the property to be used for ambulance and dispatch services. This property is further described as a 5,200-square-foot lease space, located at 1210 West Scyene Road, Suite D.

Applicant Darryl Quigley, 2424 South Good Latimer Expressway, Dallas, stated that Texas Lifeline Corporation (TLC) is a privately-owned ambulance service that began operation in 2000. TLC is headquartered in Dallas, where 24 ambulances are currently housed, with business offices located in Garland. The company provides the primary 911 emergency services for the City of Balch Springs, City of Seagoville and southeast Dallas County and provides private emergency and non-emergency transportation services between health care facilities throughout Dallas County. Initially, two ambulances are proposed to operate from this location with four additional units being added in the future. During peak response times, six to eight Emergency Medical

Technicians and Paramedics could be on-site at any given time. Currently, TLC has ambulances located at the Balch Springs and Seagoville fire stations and one ambulance located on-site at Dallas Regional Medical Center 24 hours a day.

Mr. Tarpley stated that since redevelopment is yet to occur within the Military Parkway-Scyene Corridor District the proposed use may be acceptable but only for a three-year period. Mr. Quigley stated that the property lease term could be up to five years but agrees that a three-year term on the Conditional Use Permit would be acceptable. He requested the use of both Military Parkway and Scyene Road for egress and ingress. If this application is approved, he agrees to notify the Dallas Central Appraisal District when the ambulances have changed property locations.

Dr. Abdallah Adham, property owner for this location, and Steven Cooper, representing Mr. Quigley, spoke in favor of the application.

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

Mr. Tarpley moved to approve Application No. 342-14B-2009 for a Conditional Use Permit to allow ambulance and dispatch services at 1210 West Scyene Road, Suite D, with Planning and Zoning Commission's recommendations, deleting Stipulation No. 3 regarding egress and adding a new stipulation stating that the Conditional Use Permit shall expire on September 21, 2012, provided that after July 1, 2012, Texas Lifeline Corporation may apply for renewal of the Conditional Use Permit and such application shall be subject to the same submittal, notification and hearing requirements and procedures as all other conditional use permits. Motion was seconded by Mr. Pickett and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

13. APPOINTMENT OF SEVEN MEMBERS TO THE MESQUITE QUALITY OF LIFE CORPORATION BOARD OF DIRECTORS FOR TERMS TO EXPIRE AUGUST 19, 2011.

Mr. Pickett moved to reappoint Evelyn Williams, Nadine Ward, Diane Wright, Jeann Wisenbaker, Bill Avera, Brad Hanley and Shirley Roberts as members of the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2011. Motion was seconded by Mr. Forsythe and approved unanimously.

14. CONSIDER APPOINTMENT OF A MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM TO SERVE UNTIL THE MAY 8, 2010, GENERAL ELECTION.

Mr. Tarpley moved to appoint Al Forsythe as Mayor Pro Tem and Bill Porter as Deputy Mayor Pro Tem to serve until the May 8, 2010, General Election. Motion was seconded by Ms. Roberts and approved unanimously.

ACTION RESULTING FROM EXECUTIVE SESSION HELD AT 1:19 P.M.

Mr. Forsythe moved to elect Shirley Roberts to serve in City Council, Place 4 position until the next regular municipal election. Motion was seconded by Mr. Porter and approved unanimously.

The meeting adjourned at 3:43 p.m.

Sonja Land
City Secretary

John Monaco
Mayor