

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, APRIL 5, 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 – 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: (1) proposed Veterans Memorial, (2) Keep Mesquite Beautiful Sign Project and (3) proposed amendments to Sign Code.

(1) It was Council consensus to support staff's recommendation of locating the proposed Veterans Memorial on the west side of Town East Park, adjacent to Parkside Street.

(2) Council directed Keep Mesquite Beautiful, Inc., to obtain additional information regarding the number and proposed locations for the signs, as well as visibility of the proposed design and color scheme. This item will be placed on a future Council agenda for further consideration.

(3) It was Council consensus to direct staff to place the discussed amendments to the Sign Code on a future Council agenda for adoption.

WORK SESSION – CITY COUNCIL CHAMBER – 1:26 P.M.

A. MONTHLY FINANCIAL REPORT FOR FEBRUARY 2010 – RECEIVED.

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

The work session ended at 1:42 p.m.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:47 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects; whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:08 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 2:10 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the

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purchase, exchange, lease or value of real property (Acquisition of property located adjacent to Bruton Park and Bruton Soccer Complex); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 2:13 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:01 P.M.

Invocation was given by Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

The Pledge of Allegiance was led by Chris Alvarado, Genesis Hernandez, Ulisses Mata and Marlyn Reys, fourth grade students from Floyd Elementary School.

SPECIAL ANNOUNCEMENT.

Ms. Roberts announced that the Mesquite Chamber of Commerce is hosting the annual Taste & Trade event on Tuesday, April 6, 2010, at the Mesquite Exhibit Hall from 4:00 p.m. to 8:00 p.m. and invited everyone to attend.

CITIZENS FORUM.

Attorneys Shannon McClendon and Ashley Storm, 400 W. 15th Street, Suite 720, Austin, spoke regarding the application of Trinity Valley Electric Cooperative, Inc., to amend its Certificate of Convenience and Necessity for a proposed transmission line extending through Mesquite's extraterritorial jurisdiction located in Kaufman County.

SPECIAL RECOGNITION.

1. STUDENT GOVERNMENT DAY PARTICIPANTS FROM MESQUITE HIGH SCHOOL, NORTH MESQUITE HIGH SCHOOL, WEST MESQUITE HIGH SCHOOL, POTEET HIGH SCHOOL AND HORN HIGH SCHOOL.

Mayor Monaco recognized the Student Mayors, City Councils, City Managers and City Secretaries who will be participating in Student Government Day activities from Mesquite High School and Horn High School on April 9, 2010, and from North Mesquite High School, West Mesquite High School and Poteet High School on April 16, 2010.

PRESENTATION OF AWARDS.

2. PRESENTATION OF MILITARY MEDALS TO NOBLE MATHIS AND TO TIM TUMULTY ON BEHALF OF THE LATE VINCENT TUMULTY.

Brian Chase, Deputy Chief of Staff for Congressman Jeb Hensarling, assisted Mayor Monaco in presenting military medals to Noble Mathis and to Tim Tumulty on behalf of the late Vincent Tumulty. The Navy and Marine Corps Commendation Medal

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with Combat V was presented to Petty Officer Noble Mathis. The Silver Star Medal, Bronze Star Medal, Purple Heart with Two Bronze Oak Leaf Clusters, Good Conduct Medal, Presidential Unit Citation, American Campaign Medal, European-African-Middle Eastern Campaign Medal and Bronze Star Attachment and Silver Star Attachment, Combat Infantryman Badge First Award, World War II Honorable Service Lapel Button and Marksman Badge with Rifle Bar were presented to Tim Tumulty on behalf of the late Sgt. Vincent Tumulty.

CONSENT AGENDA.

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

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 15, 2010.
4. ORDINANCE NO. 4082 – ADOPTING SUPPLEMENT NO. 39 TO THE CODE OF ORDINANCES FOR THE CITY OF MESQUITE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING SUPPLEMENT NUMBER 39 (ORDINANCES AUGUST 2009 THROUGH JANUARY 2010) TO “THE CODE OF THE CITY OF MESQUITE, TEXAS”; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE FOR EACH OFFENSE AND VIOLATION OF SAID SUPPLEMENT TO THE SAID CODE; AND DECLARING AN EMERGENCY. (Ordinance No. 4082 recorded on page _____ of Ordinance Book No. 94.)

5. ORDINANCE NO. 4083 – REVISING THE DEBT MANAGEMENT POLICY.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE DEBT MANAGEMENT POLICY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4083 recorded on page _____ of Ordinance Book No. 94.)

6. RESOLUTION NO. 11-2010 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY AT SCYENE ROAD BETWEEN PEACHTREE ROAD AND RODEO DRIVE FROM APRIL 23, 2010, THROUGH APRIL 24, 2010, FOR THE FOURTH ANNUAL REAL. TEXAS. FESTIVAL. COMMEMORATING THE 53RD ANNIVERSARY OF THE MESQUITE CHAMPIONSHIP RODEO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY FROM APRIL 23, 2010, THROUGH APRIL 24, 2010, FOR THE FOURTH ANNUAL REAL. TEXAS. FESTIVAL. SIGNATURE EVENT COMMEMORATING THE 53RD ANNIVERSARY OF THE MESQUITE CHAMPIONSHIP RODEO. (Resolution No. 11-2010 recorded on page _____ of Resolution Book No. 43.)

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7. RESOLUTION NO. 12-2010 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY TO PARTICIPATE IN THE SCOFFLAW PROGRAM.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE COUNTY OF DALLAS, TEXAS, FOR THE PURPOSE OF PARTICIPATING IN THE SCOFFLAW PROGRAM. (Resolution No. 12-2010 recorded on page _____ of Resolution Book No. 43.)

8. RESOLUTION NO. 13-2010 – RESCINDING RESOLUTION NO. 61-2006 THEREBY ALLOWING CITY STAFF TO WORK WITH DALLAS WATER UTILITIES TO COORDINATE THE SHARING OF RIGHT-OF-WAY ALONG LAWSON ROAD.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RESCINDING RESOLUTION NO. 61-2006 THEREBY ALLOWING CITY STAFF TO WORK WITH THE DALLAS WATER UTILITIES TO COORDINATE THE SHARING OF RIGHT-OF-WAY ALONG LAWSON ROAD. (Resolution No. 13-2010 recorded on page _____ of Resolution Book No. 43.)

9. RFP NO. 2010-003 – ANNUAL UNIFORM RENTAL SERVICES – AWARDED TO UNIFIRST IN THE AMOUNT OF \$62,763.62.
10. BID NO. 2010-044 – PURCHASE OF A 20' BOMB RESPONSE VEHICLE AND TRUCK CHASSIS – AWARDED TO LOW BIDDER TRIVAN TRUCK BODY TEXAS, LLC, IN WACO, TEXAS, IN THE AMOUNT OF \$219,984.00.
11. BID NO. 2010-048 – ANNUAL SUPPLY OF AMMUNITION – AWARDED TO GT DISTRIBUTORS, INC., IN THE AMOUNT OF \$51,515.50 AND BARNEY'S POLICE SUPPLIES IN THE AMOUNT OF \$17,525.44 FOR PRACTICE AND DUTY AMMUNITION; AND TO TACNOLOGIES, LTD. FOR SIMUNITION AMMUNITION IN THE AMOUNT OF \$10,640.00 FOR A TOTAL AMOUNT OF \$79,680.94.
12. BID NO. 2010-054 – ANNUAL LANDSCAPE MAINTENANCE OF THE TXDOT HIGH VISIBILITY INTERCHANGES – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER GOOD EARTH CORPORATION IN THE AMOUNT OF \$50,599.00.
13. BID NO. 2010-062 – PURCHASE OF TRAFFIC SIGNAL CONTROLLERS AND CABINET ASSEMBLIES – AWARDED TO SOLE SOURCE PROVIDER TEXAS HIGHWAY PRODUCTS, LTD., THROUGH SIEMENS ENERGY AND AUTOMATION, INC., IN THE AMOUNT OF \$197,400.00.

14. BID NO. 2010-067 – PURCHASE OF GROUNDS MAINTENANCE EQUIPMENT FOR THE MESQUITE MUNICIPAL GOLF COURSE – AWARDED TO PROFESSIONAL TURF PRODUCTS, L.P., THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT IN THE AMOUNT OF \$280,536.59.
15. BID NO. 2010-068 – FIBER OPTIC LINE MAINTENANCE – AWARDED TO FUTURE TELECOM THROUGH AN INTERLOCAL AGREEMENT WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT IN THE AMOUNT OF \$60,000.00.
16. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 3 WITH C&P ENGINEERING, LTD, FOR ADDITIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO TRAFFIC SIGNAL IMPROVEMENT PROJECT IN THE AMOUNT OF \$5,650.00.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

17. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2010-01 AND ORDINANCE NO. 4084 AMENDING SECTIONS 2-600 AND 6-100 OF THE MESQUITE ZONING ORDINANCE PERTAINING TO THE MODIFICATION AND CREATION OF NEW REGULATIONS GOVERNING CONSTRUCTION STANDARDS FOR FRONT CARPORTS – APPROVED WITH CHANGES.

A public hearing was held to consider Zoning Text Amendment No. 2010-01 amending Sections 2-600 and 6-100 of the Mesquite Zoning Ordinance pertaining to the modification and creation of new regulations governing construction standards for front carports. This item was postponed as Zoning Text Amendment No. 2009-05 at the December 7, 2009, and January 19, 2010, City Council meetings.

Richard Gertson, Director of Community Development, stated that the proposed amendment retains the right to construct a front carport by special exception and is restricted to the R-3 zoning districts, which encompasses subdivisions with the smallest lot size. Design requirements would include wood structures, pitched roof and improved review criteria. The Board of Adjustment will be required to review the design requirements and may grant exceptions to the pitched roof. Metal carports will be limited to R-3 zoning districts and those subdivisions platted prior to December 21, 1964.

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

Mr. Tarpley moved to approve Zoning Text Amendment No. 2010-01, as recommended by the Planning and Zoning Commission, amending Sections 2-600 and 6-100 of the Mesquite Zoning Ordinance, adding to Section 2-604(B) B2(a) the following: “provided, however, a metal carport shall not be approved on a lot platted after said

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date” and to approve Ordinance No. 4084, 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 AND DELETIONS UNDER SECTIONS 2-600 AND 6-100 THEREBY MODIFYING OR CREATING NEW REGULATIONS GOVERNING CARPORTS; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Forsythe and approved by all voting “Aye.” (Ordinance No. 4084 recorded on page of Ordinance Book No. 94.)

18. PUBLIC HEARING – ZONING –APPLICATION NO. 93-4-2010 SUBMITTED BY C.M. SCHADE FOR A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY TO AGRICULTURAL ON THE 7.36-ACRE TRACT LOCATED AT 301 W. CARTWRIGHT ROAD – POSTPONED UNTIL THE APRIL 19, 2010, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 93-4-2010 submitted by C.M. Schade for a zoning change from Planned Development-Single Family to Agricultural on the 7.36-acre tract located at 301 W. Cartwright Road.

Mr. Pickett moved to postpone consideration of Application No. 93-4-2010 for a zoning change from Planned Development-Single Family to Agricultural until the April 19, 2010, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

19. PUBLIC HEARING – ZONING – APPLICATION NO. 1461-143A-2010 SUBMITTED BY JAMES SNEED AND ORDINANCE NO. 4085 FOR A ZONING CHANGE FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR AN INDOOR FIRING RANGE LOCATED AT 2405 INTERSTATE HIGHWAY 30 – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 1461-143A-2010 submitted by James Sneed for a zoning change from Commercial to Commercial with a Conditional Use Permit for an indoor firing range located at 2405 Interstate Highway 30.

Applicant James Sneed, 4527 Harbinger, stated that he is requesting approval for an indoor firing range which will be located in the existing building, located at 2405 Interstate Highway 30, which contains a plumbing business and gun store. The proposed firing range will be constructed according to current National Rifle Association (NRA) design criteria which includes ¼” steel plate walls and ceilings which will be insulated for noise reduction. The facility will provide NRA trained and certified range masters at all times shooters are present and will only allow hand gun calibers. NRA standards and practices for safe operation and maintenance of indoor firing ranges will be implemented and enforced. Gun safety courses and concealed handgun license classes will be offered.

The following persons spoke in favor of the application: (1) Greg Hawkins, 710 East Grubb; (2) Wayne Bounds, 4752 Shands Drive; (3) Sam Holman, 8786 South FM 148, Scurry and (4) Ron Cox, 2716 Willow Way.

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Gary Ward, 709 Parkhaven, submitted a registration card in support of the proposed zoning application but did not wish to speak.

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

Ms. Roberts moved to approve Application No. 1461-143A-2010, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Gunshots from inside the building shall not be audible from any of the site's property lines.
2. The hours of operation of the gun range shall be restricted to 8:00 a.m. – 7:00 p.m.
3. The indoor gun range shall be constructed according to the current National Rifle Association Range Sourcebook and all applicable building codes.
4. Shooting of firearms shall be limited to handguns and handgun calibers.

And to approve Ordinance No. 4085, 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 CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR AN INDOOR RECREATION FACILITY 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 (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Ordinance No. 4085 recorded on page _____ of Ordinance Book No. 94.)

RECEIPT OF RESIGNATION.

20. RESIGNATION RECEIVED FROM KIMBERLY HOLLOWAY AS A MEMBER OF THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS.

Mr. Pickett moved to accept the resignation of Kimberly Holloway as a member of the Historic Mesquite, Inc., Board of Directors. Motion was seconded by Mr. Porter and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 3:49 p.m.

Sonja Land
City Secretary

John Monaco
Mayor