

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, FEBRUARY 1, 2010, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

Absent: Councilmember Stan Pickett

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) 2010 bond sale (2) exclusive distribution agreement, (3) revisions to the General Government Policies and Procedures Manual, (4) Town East Pool improvements and (5) receive report regarding Environmental Code operations.

(2) Council directed staff to continue to negotiate terms with Coca-Cola.

(3) Council directed staff to place this item on the February 15, 2010, City Council agenda.

(4) Council directed staff to place this item on the upcoming City Council/Mesquite Independent School District joint meeting agenda.

WORK SESSION – CITY COUNCIL CHAMBER – 1:11 P.M.

A. MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2009 – RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for September 2009.

B. INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2009 – RECEIVED.

Don Simons, Director of Finance, presented the Investment Report for the quarter ending December 31, 2009.

The Work Session ended at 1:27 p.m.

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

Invocation was given by Craig Christina, Pastor, Shiloh Terrace Baptist Church, Dallas, Texas.

The Pledge of Allegiance was led by Alex Chung, Matthew Flores, Ashleigh Noschese and Bianca Ruiz, fourth grade students from Pirrung Elementary School.

SPECIAL ANNOUNCEMENT.

Mayor Monaco presented a proclamation to the Mesquite Chapter of the American Heart Association declaring Friday, February 12, 2010, as "Wear Red for Women Day" in support of women and their fight against heart disease.

CONSENT AGENDA.

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 19, 2010.
2. ORDINANCE NO. 4075 – CHANGING THE NAME OF GATEWAY BOULEVARD TO HONORARY ROAD.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CHANGING THE NAME OF GATEWAY BOULEVARD TO HONORARY ROAD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF FEBRUARY 1, 2010. (Ordinance No. 4075 recorded on page _____ of Ordinance Book No. 94.)

3. RESOLUTION NO. 03-2010 – CALLING THE ANNUAL CITY ELECTION TO BE HELD ON MAY 8, 2010.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING THE ANNUAL CITY ELECTION. (Resolution No. 03-2010 recorded on page _____ of Resolution Book No. 43.)

4. RESOLUTION NO. 04-2010 – DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF MESQUITE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010 AND RESOLVING OTHER MATTERS RELATED THERETO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATED THERETO. (Resolution No. 04-2010 recorded on page _____ of Resolution Book No. 43.)

5. RESOLUTION NO. 05-2010 – EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECTS. (Resolution No. 05-2010 recorded on page _____ of Resolution Book No. 43.)

6. RFP NO. 2010-045 – ANNUAL MEDICAL PLAN REINSURANCE (STOP LOSS) – CITY MANAGER AUTHORIZED TO FINALIZE AND EXECUTE THE APPROPRIATE DOCUMENTS TO PURCHASE THE MEDICAL PLAN INSURANCE [STOP LOSS] POLICY WITH CIGNA FOR THE SELF-FUNDED MEDICAL PLAN.
7. RECEIVED SEMIANNUAL REPORT FROM THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 395.058(C)(4) OF THE TEXAS LOCAL GOVERNMENT CODE.

END OF CONSENT AGENDA.

PUBLIC HEARING.

8. PUBLIC HEARING – ZONING – APPLICATION NO. 342-18-2009 SUBMITTED BY MESQUITE SOCIAL SERVICES AND ORDINANCE NO. 4076 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 FOR THE SALE OF USED MERCHANDISE. THIS PROPERTY IS FURTHER DESCRIBED AS A 0.553 ACRE PORTION OF TRACT 6, ABSTRACT 342 LOCATED AT 1035 MILITARY PARKWAY – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 342-18-2009 submitted by Mesquite Social Services 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 for the sale of used merchandise. This property is further described as a 0.553 acre portion of Tract 6, Abstract 342 located at 1035 Military Parkway.

Alex Priakos, Executive Director of Mesquite Social Services (MSS), stated that MSS is a non-profit agency that has provided short-term crisis assistance in the forms of a food pantry, rent/mortgage and utility assistance along with referrals to Mesquite residents for 43 years. During 2009, MSS assisted over 13,000 individuals in crisis, a 42 percent increase over 2008. The need for food in 2009 increased by 62 percent from 2008 with 152,000 pounds being distributed.

MSS is proposing an upscale store at its current location that would operate Monday through Saturday, 10:00 a.m. to 4:00 p.m., staffed by employees and volunteers. The store would act as a year-round fundraiser for MSS, which is losing its 40 year United Way partnership in United Way's 2011/2012 grant processing year.

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

Councilmembers expressed support and appreciation to Mesquite Social Services for their work in the Mesquite community and the proposed store.

Minutes of regular City Council meeting held February 1, 2010

Page 4

Ms. Roberts moved to approve Application No. 342-18-2009, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Used merchandise sales shall only be permitted as part of a social services organization with administrative functions located on the same parcel. Used merchandise sales shall not occupy more than 3,000 square feet of floor area. Should the administrative functions cease, the CUP shall expire.
2. The sale of used merchandise shall be limited to:
 - a. Clothing and apparel accessories;
 - b. Furniture – wood and metal furniture only (no upholstered furniture); and
 - c. Household items (excluding appliances, electronics, and lawn and garden items).
3. Outdoor sales and display shall be prohibited.
4. Signage for the used merchandise store shall be limited to one wall sign and onsite instructional signage as needed in compliance with the Mesquite Sign Ordinance. For the purpose of the CUP, signs identifying the item drop-off location shall be considered instructional signage.
5. Items brought to the site for drop off must be deposited in the building, either directly or through an exterior opening of the building. The occupant of the property shall be required to remove any items left outside of the building at the beginning of each business day and/or immediately upon awareness of the items.
6. Merchandise display shall be orderly and similar in style and organization to typical displays at general merchandise and department stores.
7. All display merchandise shall be clean and in good condition. The display of severely damaged items is prohibited.
8. The CUP shall expire on February 1, 2013. Provided that after November 1, 2012, Mesquite Social Services may apply for renewal of the CUP and such application shall be subject to the same submittal, notification and hearing requirements and procedures as all other conditional use permits.

And to approve Ordinance No. 4076, 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 COMMERCIAL WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR (MPSC) OVERLAY DISTRICT THEREBY ALLOWING FOR THE SALE OF USED MERCHANDISE 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

Minutes of regular City Council meeting held February 1, 2010

Page 5

(\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Forsythe and approved by all voting "Aye." (Ordinance No. 4076 recorded on page of Ordinance Book No. 94.)

APPOINTMENT TO BOARDS AND COMMISSIONS.

9. APPOINTMENT OF ONE ALTERNATE MEMBER TO THE PLANNING AND ZONING COMMISSION/CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM TO EXPIRE FEBRUARY 1, 2012.

Mr. Porter moved to appoint Mike Potter as an alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire February 1, 2012. Motion was seconded by Ms. Roberts and approved unanimously.

Mr. Tarpley moved to adjourn the meeting. Motion was seconded by Mr. Porter and approved unanimously. The meeting adjourned at 3:13 p.m.

Sonja Land
City Secretary

John Monaco
Mayor