

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,
FEBRUARY 15, 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 Regular Agenda and discuss revisions to the General Government Policies and Procedures Manual and (2) receive report regarding the Deferred Compensation Plan.

(1) It was Council consensus to proceed with adoption of the recommended changes.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:49 P.M.

The City Council met 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 1:04 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:04 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Mesquite Golf Course lease agreement); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:22 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

Invocation was given by John Livaudais, Pastor, Macedonia Baptist Church, Mesquite, Texas.

The Pledge of Allegiance was led by Joseph Marroquin, Jr., Emily Pugh, Pablo Saenz, Samantha Sowders, fourth grade students from Florence Black Elementary School.

CITIZENS FORUM.

(1) Robert J. Fuller, 812 W. Grubb Drive, expressed concern regarding political signs regulations.

(2) Bonnie Hill, 102 E. Trunk Street, Crandall, representing the Kaufman County Animal Awareness Project (KCAAP), announced that KCAAP has received a \$100,000 grant from PetSmart charities to spay/neuter 3,000 pets in Mesquite. She suggested financial and promotional support from the City.

PRESENTATION OF AWARDS.

1. PRESENTATION OF AWARD TO AYSIA MITCHELL, PUNT, PASS & KICK NATIONAL CHAMPION.

Oscar Martinez, Manager of Recreation Services, introduced Aysia Mitchell, National Champion of the 2009 National Football League's (NFL) Punt, Pass & Kick competition in San Diego, California for the 8-9 year old girls division. After winning the local competition at Shaw Elementary, Ms. Mitchell advanced to the sectional competition hosted by the Mesquite Parks and Recreation Department, where she ranked first. The winners at each sectional competition were pooled with other top participants throughout the region with the top four scorers advancing to the team competition at Cowboys Stadium on November 22, 2009, where she ranked first. She then advanced to compete nationally at an NFL playoff game in San Diego, where she won the 8-9 year old girls division.

Mayor Monaco presented a crystal flame award to Aysia Mitchell in recognition of her winning the 2009 National Football League's Punt, Pass & Kick competition for the 8-9 year old girls division.

Mr. Porter stated that he had the opportunity to participate in Aysia's good luck send-off from Shaw Elementary and complimented her parents for their part in instilling good values and character in Aysia.

2. PRESENTATION OF MERITORIOUS AWARDS TO FIRE DEPARTMENT EMPLOYEES.

Fire Chief Mark Kerby presented meritorious awards to Fire Department employees in recognition of their achievements and outstanding service. Awards were presented as follows: (1) "Making a Difference" Fire Chief Award to GIS Coordinator James Lopez; (2) Paramedic of the Year to Firefighter/Paramedic Brian Hill; (3) Firefighter of the Year to Firefighter/Paramedic David England and (4) Lifesaving Award No. 1 to Captain Greg Douglas, Driver Engineer/Paramedic Paul Craig, Firefighter/Paramedic Kenneth Quisenberry, Firefighter/Paramedic Alan Pringle, Captain Doug Preston, Firefighter/Paramedic David England, Firefighter/Paramedic Jason Sutcliffe and Firefighter/Paramedic Kim Bartman; Lifesaving Award No. 2 to Firefighter/Paramedic Clay Keene, Firefighter/Paramedic Justin Bunting and Firefighter/Paramedic Jason Sutcliffe; Lifesaving Award No. 3 to Captain Clay Henslee, Firefighter/Paramedic Clay Keene and Firefighter/Paramedic Scott

Hooten.

Those not present to receive awards included Captain Melvin Davis for Officer of the Year; Firefighter/Paramedic Russell Wolf, Driver Engineer/Paramedic Robert Clarke and Firefighter/Paramedic Bradley Hurtt for Life Saving Award No. 1; Driver Engineer/Paramedic Mike Trojacek, Driver Engineer Richard Range and Firefighter/Paramedic David Ballard for Life Saving Award No. 2; and Driver Engineer/Paramedic Mike Trojacek, Firefighter/Paramedic David Judd and Firefighter/Paramedic Robert Williams for Life Saving Award No. 3.

CONSENT AGENDA.

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

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 1, 2010.
4. ORDINANCE NO. 4077 – AMENDING SECTION 9-147 OF THE CITY CODE REGARDING SCHOOL ZONES EFFECTIVE FEBRUARY 17, 2010.

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 A SCHOOL ZONE ON MOTLEY DRIVE FOR LARRY SMITH 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. 4077 recorded on page of Ordinance Book No. 94.)

5. RESOLUTION NO. 06-2010 – ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 06-2010 recorded on page of Resolution Book No. 43.)

6. BID NO. 2010-001 – FORNEY ROAD PAVING, DRAINAGE, WATER AND SANITARY SEWER IMPROVEMENTS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER ED BELL CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,669,055.00.
7. BID NO. 2010-027 – SOUTH MESQUITE CREEK SANITARY SEWER TRUNK MAIN REPLACEMENT, PHASE 2 (LUCAS BOULEVARD TO WILKINSON ROAD) – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER WRIGHT CONSTRUCTION CO., IN THE AMOUNT OF \$2,074,090.55.

8. CITY MANAGER AUTHORIZED TO EXECUTE A CHANGE ORDER TO CITY CONTRACT NO. 2009-039, INSTALL TRAFFIC SIGNAL SYSTEMS, PHASE 1B, WITH THE FAIN GROUP, INC., IN THE AMOUNT OF \$32,086.79.
9. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE 2009-038, Install Traffic Signal and Intersection Improvements – North Galloway Ave. at Town East Blvd. – \$20,936.00; CE29-9280, Forney Road Paving, Drainage, Water and Sanitary Sewer Improvements – \$2,940.53; CE 2009-086/29-9330, Annual Landscape Maintenance Municipal Center, City Hall, Police Bldg., Arts Center, MEHC and Willowbrook Parking Lot – (\$1,277.34); CE I015-2008/29-9160, Annual Landscape Maintenance of Creek Crossing Area Medians, ROW and Landscape Areas – \$4,517.70; CE 2009-109, Annual Supply of Duplicating Papers – \$3,378.12; CE I-128-2008/10-9500, Annual Landscape Maintenance of Fire Station #1 – \$136.80; CE I015-2008/29-9150, Annual Landscape Maintenance Animal Shelter, Community Services Building, Florence Ranch and Via Del Norte – \$709.20 and CE I055-2009, Annual Supply of Locking Concrete Meter Box Lids – \$627.20.)

END OF CONSENT AGENDA.

PUBLIC HEARING.

10. PUBLIC HEARING – ALTERNATE SCREENING METHOD SUBMITTED BY LEDIC PROPERTY MANAGEMENT FOR BAKER SQUARE APARTMENTS LOCATED AT 1809 BAKER DRIVE – DENIED.

A public hearing was held to consider an alternate screening method submitted by Ledic Property Management for Baker Square Apartments located at 1809 Baker Drive.

Michelle Cook, representing Ledic Property Management, presented the alternate screening method consisting of a wooden fence with brick columns rather than the required masonry wall.

Carla McGhghy, 2612 Mark Drive, spoke in opposition to the proposed alternate screening request.

No others appeared regarding the proposed alternate screening request. Mayor Monaco declared the public hearing closed.

Councilmembers expressed support for a masonry wall to be utilized as the screening method between the apartments and single family homes rather than a wooden fence with brick columns.

Mr. Tarpley moved to deny the alternate screening method. Motion was seconded by Mr. Porter and approved unanimously.

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS.

11. RESIGNATION RECEIVED FROM BRIAN HUTCHESON AS A MEMBER OF THE BOARD OF ADJUSTMENT/AUTOMATED TRAFFIC SIGNAL ENFORCEMENT ADVISORY COMMITTEE.

Mr. Pickett moved to accept the resignation of Brian Hutcheson as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Ms. Roberts and approved unanimously.

12. APPOINTMENT OF ONE MEMBER TO THE MESQUITE INDUSTRIAL DEVELOPMENT CORPORATION FOR A TERM TO EXPIRE JANUARY 28, 2013.

Ms. Roberts moved to reappoint Ken Pace as a member of the Mesquite Industrial Development Corporation for a term to expire January 28, 2013. Motion was seconded by Mr. Forsythe and approved unanimously.

13. APPOINTMENT OF TWO MEMBERS TO THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS, ONE FOR A TERM TO EXPIRE DECEMBER 31, 2010, AND ONE FOR A TERM TO EXPIRE DECEMBER 31, 2011.

Mr. Pickett moved to appoint Connie Theller as a member to the Historic Mesquite, Inc. Board of Directors, for a term to expire December 31, 2010, and Sandy LaClave for a term to expire December 31, 2011. Motion was seconded by Mr. Porter and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Pickett and approved unanimously. The meeting adjourned at 3:43 p.m.

Sonja Land
City Secretary

John Monaco
Mayor