

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON,
MAY 18, 2009, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers Shirley Roberts, Greg Noschese, Al Forsythe, Stan Pickett 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: (1) Commercial Solid Waste rates for multi-family dwellings, (2) 2009 CDBG Budget requests, (3) revisions to Chapter 4 of the City Code regarding animals and (4) Retroreflectivity Law and (5) receive briefing regarding North Central Texas Council of Governments' 2009 Sustainable Development Funding Program.

(2) It was Council to direct staff to proceed with the CDBG budget as submitted.

(4) It was Council consensus to direct staff to hire an additional employee and provide additional funds for sign replacement. The budgetary impacts will be included in the 2009-10 budget process.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:37 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to purchase, exchange, lease or value of real property (Acceptance of property located on Carmack Street); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:54 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 Josabed Luna, Pastor, Iglesia Bautista, Mimosa Lane Baptist Church, Mesquite, Texas.

The Pledge of Allegiance was led by Gustavo Martinez, Iridian Martinez and Ramiro Gonzalez, fourth grade students from Gray Elementary School.

SPECIAL ANNOUNCEMENTS.

Ms. Roberts thanked the City and community leaders for helping with the Relay for Life event that was held at the Hubert Terry Baseball Complex at Valley Creek Park on Friday, May 15, which was a big success.

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Mr. Noschese recognized Police Chief Derek Rohde, Sergeant Bill Bassinger and Crime Prevention Officer Don Williams of the Mesquite Police Department for presenting a crime-prevention presentation to the Pirrung Elementary School PTA.

Mayor Monaco announced that the City Council will be canvassing the results of the May 9, 2009, General Election on Wednesday, May 20, 2009, at 9:00 a.m. and afterwards, the newly elected City Councilmembers will be sworn into office.

CONSENT AGENDA.

Item No. 4 was removed from the Consent Agenda to be considered separately. Mr. Pickett moved to approve the remaining 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 MAY 4, 2009.
2. ORDINANCE NO. 4046 – PROVIDING FOR AN ADDITIONAL PENALTY IN THE AMOUNT OF TWENTY PERCENT (20%) ON DELINQUENT AD VALOREM TAXES, PENALTY AND INTEREST DUE AND DELINQUENT ON AND AFTER JULY 1 OF THE YEAR IN WHICH THE SAME BECAME DELINQUENT.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR AN ADDITIONAL PENALTY IN THE AMOUNT OF 20 PERCENT TO DEFRAY COST OF COLLECTIONS ON DELINQUENT AD VALOREM TAXES, PENALTY AND INTEREST DUE AND DELINQUENT ON AND AFTER JULY 1 OF THE YEAR IN WHICH THE SAME BECAME DELINQUENT; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (ORDINANCE NO. 4046 RECORDED ON PAGE OF ORDINANCE BOOK NO. 92.)

3. ORDINANCE NO. 4047 – ADOPTING THE 2008-09 AMENDED BUDGET.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF 2008-09 AS HERETOFORE APPROVED BY ORDINANCE NO. 3989 OF THE CITY OF MESQUITE, TEXAS, ADOPTED ON SEPTEMBER 15, 2008, APPROPRIATING 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 AS PROVIDED FOR IN SAID AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4047 recorded on page of Ordinance Book No. 92.)

5. BID NO. 2009-038 – INSTALL TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS, PHASE 1B AT TOWN EAST BOULEVARD AND NORTH GALLOWAY AVENUE – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER JIM BOWMAN CONSTRUCTION, CO., IN THE AMOUNT OF \$325,151.35, PENDING APPROVAL FROM TEXAS DEPARTMENT OF TRANSPORTATION.

6. BID NO. 2009-059 – ANNUAL SUPPLY OF WATER PARTS – AWARDED TO LOW BIDDERS: GROUPS I, II AND IV – MUNICIPAL WATER WORKS SUPPLY, L.P., IN THE AMOUNT OF \$261,785.14 AND GROUP III – HYDRAFLO, INC., IN THE AMOUNT OF \$7,574.40 FOR A TOTAL AMOUNT OF \$269,359.54.
7. BID NO. 2009-072 – NORTHRIDGE ADDITION SANITARY SEWER REPLACEMENT, PHASE 1 – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER JIM BOWMAN CONSTRUCTION CO., L.P., IN THE AMOUNT OF \$1,071,040.00.
8. BID NO. 2009-088 – ANNUAL SUPPLY OF AUTOMOTIVE BRAKES, PADS AND ACCESSORIES – AWARDED TO LOW BIDDERS DALLAS DODGE CHRYSLER JEEP – \$43,781.64; BOB TOMES FORD – \$39,986.56; RUSSELL & SMITH FORD, INC. – \$35,935.42; MIDWAY AUTO SUPPLY, INC. – \$14,070.32; NAPA AUTO PARTS – \$4,604.08; O'REILLY AUTO PARTS – \$3,145.56; OGBURN'S TRUCK PARTS – \$3,033.68 AND METRO FORD TRUCK SALES, INC. – \$918.03 FOR A TOTAL AMOUNT OF \$145,475.29.
9. BID NO. 2009-095 – ANNUAL CONTRACT FOR PAINT AND BODY SERVICES – AWARDED TO LOW BIDDER BUDGET AUTO BODY SHOP IN THE AMOUNT OF \$88,500.00.
10. BID NO. 2009-101 – CARPET REPLACEMENT AT THE CONVENTION CENTER – WITHDRAWN BY STAFF.
11. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO THE LOCAL PROJECT ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO CHANGE RESPONSIBILITY FOR THE ADJUSTMENT OF ELIGIBLE UTILITIES FROM THE LOCAL GOVERNMENT TO THE STATE IN CONJUNCTION WITH THE US HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE PROJECT.
12. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO THE ENGINEERING DESIGN SERVICES CONTRACT WITH BENTLEY ENGINEERING, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONJUNCTION WITH THE SOUTH MESQUITE CREEK SANITARY SEWER REPLACEMENT PROJECT FROM IH 30 TO MOON DRIVE IN THE AMOUNT OF \$9,200.00.
13. CITY MANAGER AUTHORIZED TO EXECUTE A PUBLIC ART PROGRAM CONTRACT WITH TIM PRENTICE IN THE AMOUNT OF \$75,000.00 AND CLIFF GARTEN IN THE AMOUNT OF \$150,000.00 TO PROVIDE PUBLIC ART AT THE NEW MESQUITE CITY HALL.
14. MAYOR AUTHORIZED TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF FARMERS BRANCH TO ALLOW THE PURCHASE OF GOODS AND SERVICES.

15. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE 2009-025, Casa View Heights Sidewalk Repair Project – \$14,805.00; CE 28-8050, Concrete Street, Street Lights and Water Main Rehabilitation Project – \$16,000.00; CE 2009-073, Northridge Addition Sanitary Sewer Lining Under IH 635 – \$5,067.95 and RFP No. 2009-075, Purchase-Mobile Wireless Communication Trailer, \$1,325.00.)
 - A. CITY MANAGER AUTHORIZED TO FINALIZE AND EXECUTE AN AMENDMENT TO THE CONTRACT WITH REDFLEX TRAFFIC SYSTEMS, INC., FOR THE INSTALLATION AND OPERATION OF AN AUTOMATED TRAFFIC SIGNAL ENFORCEMENT SYSTEM.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY.

4. ORDINANCE NO. 4048 – ADOPTING SUPPLEMENT NO. 37 TO THE CODE OF ORDINANCES FOR THE CITY OF MESQUITE.

Mr. Forsythe moved to approve the Ordinance No. 4048 changing the wording in the caption of the ordinance from (Ordinances August 2008 to January 2009) to (Ordinances August 2008 through January 2009), AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING SUPPLEMENT NUMBER 37 (ORDINANCES AUGUST 2008 THROUGH JANUARY 2009) 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. Motion was seconded by Mr. Pickett and approved by all voting “Aye.” (Ordinance No. 4048 recorded on page Ordinance Book No. 92.)

END OF CONSENT AGENDA.

PUBLIC HEARING.

16. PUBLIC HEARING – ZONING – APPLICATION NO. 1095-50-2009 SUBMITTED BY SHEHZAD HUSSAIN FOR A ZONING CHANGE FROM COMMERCIAL (WITH TERRA OVERLAY) TO COMMERCIAL (WITH TERRA OVERLAY) WITH A CONDITIONAL USE PERMIT TO ALLOW THE PROPERTY TO BE USED FOR AN INDOOR TRAMPOLINE BUNGEE JUMPING AMUSEMENT FACILITY LOCATED AT 2063 TOWN EAST MALL – DENIED.

A public hearing was held to consider Application No. 1095-50-2009 submitted by Shehzad Hussain for a zoning change from Commercial (with TERRA overlay) to Commercial (with TERRA overlay) with a Conditional Use Permit to allow the property to be used for an indoor trampoline bungee jumping amusement facility located at 2063 Town East Mall.

Shehzad Hussain, 5609 Brubeck Lane, Apt. 1605, Fort Worth, presented the zoning application. Mr. Hussain stated that they currently have operations at Hulen Mall in Fort Worth and the mall in Denton, which have both been operating for three months. He explained that the operating hours would coincide with Town East Mall’s operating

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hours. The Hulen Mall location has generated \$7,000.00 in sales per month at \$7.00 per ride. He stated that they are proposing to operate four trampolines with four employees at the Town East Mall location, along with a one-year lease.

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

Councilmembers expressed opposition to this type of business being located at Town East Mall.

Mr. Tarpley moved to deny Application No. 1095-50-2009 for a zoning change from Commercial (with TERRA overlay) to Commercial (with TERRA overlay) with a Conditional Use Permit to allow the property to be used for an indoor trampoline bungee jumping amusement facility. Motion was seconded by Mr. Forsythe and approved unanimously.

OTHER BUSINESS.

17. ALL FUTURE REGULAR CITY COUNCIL MEETINGS THAT FALL ON AN OFFICIAL CITY HOLIDAY RESCHEDULED TO THE TUESDAY FOLLOWING THE OFFICIAL CITY HOLIDAY.

Mr. Tarpley moved to reschedule all future regular City Council meetings that fall on an official City holiday to the Tuesday following the official City holiday. Motion was seconded by Ms. Roberts and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

18. APPOINTMENT OF ONE MEMBER TO THE NORTH TEXAS MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS FOR A TERM TO EXPIRE MAY 31, 2011.

Mr. Pickett moved to reappoint Bobby Robinson as a member of the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2011. Motion was seconded by Mr. Noschese and approved unanimously.

19. APPOINTMENT OF TWO REPRESENTATIVES TO ATTEND THE CITY/SCHOOL JOINT TAX OFFICE ADVISORY BOARD MEETING ON JUNE 2, 2009, AT 10:30 A.M.

Mr. Pickett moved to appoint Councilmember-elect Bill Porter and Councilmember Al Forsythe to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held June 2, 2009, at 10:30 a.m. Motion was seconded by Ms. Roberts and approved unanimously.

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Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 3:20 p.m.

Sonja Land
City Secretary

John Monaco
Mayor