

MINUTES OF THE WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, NOVEMBER 2, 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 Work and Regular Agenda and receive Natatorium Study.

WORK SESSION – CITY COUNCIL CHAMBER – 1:00 P.M.

A. **INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2009 – RECEIVED.**

Don Simons, Director of Finance, presented the Investment Report for the quarter ending September 30, 2009.

The Work Session ended at 1:06 p.m.

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

Invocation was given by Brad Brandt, Co-Pastor, Faith Baptist Church, Mesquite, Texas.

The Pledge of Allegiance was led by Recreation After School Program participants from Florence Recreation Center.

SPECIAL ANNOUNCEMENT.

Ms. Roberts recognized Director of Human Resources George Mones for achieving his goal of running a marathon in all 50 states.

CITIZENS FORUM.

Mary Ann Koerner, 5314 Kiamesha Way, expressed concern regarding blue headlights on vehicles.

CONSENT AGENDA.

Ms. Roberts abstained from the discussion regarding this item and left the meeting.

Item No. 9 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 Mr. Porter. On call for a vote on the motion, the

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following votes were cast:

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

Motion carried.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 19, 2009.
2. ORDINANCE NO. 4070 – ADOPTING SUPPLEMENT NO. 38 TO THE CODE OF ORDINANCES FOR THE CITY OF MESQUITE.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING SUPPLEMENT NUMBER 38 (ORDINANCES FEBRUARY 2009 THROUGH JULY 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. (Ordinance No. 4070 recorded on page of Ordinance Book No. 94.)

3. RESOLUTION NO. 39-2009 – CASTING A VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, CASTING ITS VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT. (Resolution No. 39-2009 recorded on page of Resolution Book No. 43.)

4. RESOLUTION NO. 40-2009 – AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE GREENBELT OF CLAY MATHIS GREENBELT PARK FROM BRANDY STATION PARK TO TERRY MIDDLE SCHOOL.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE GREENBELT OF CLAY MATHIS GREENBELT PARK FROM BRANDY STATION PARK TO TERRY MIDDLE SCHOOL IN THE CITY OF MESQUITE. (Resolution No. 40-2009 recorded on page of Resolution Book No. 43.)

5. RESOLUTION NO. 41-2009 – AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE RIGHT OF WAYS OF MILITARY PARKWAY AND HICKORY TREE ROAD.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM 2009 FOR A HIKE AND BIKE TRAIL IN THE RIGHT OF WAYS OF MILITARY PARKWAY AND HICKORY TREE ROAD IN THE CITY OF MESQUITE. (Resolution No. 41-2009 recorded on page of Resolution Book No. 43.)

6. BID NO. 2009-093 – EDMONT PARK ADDITION WATER MAIN REPLACEMENT PROGRAM, PHASE 4 – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER PERRY WILLIAMS, INC., IN THE AMOUNT OF \$686,932.50.
7. BID NO. 2009-112 – ANNUAL GRINDING OF BRUSH – AWARDED TO THELIN RECYCLING COMPANY, LLC IN THE AMOUNT OF \$.080 PER CUBIC YARD.
8. BID NO. 2010-002 – ANNUAL SUPPLY OF CONCRETE – AWARDED TO LOW BIDDER LATTIMORE MATERIALS CO., [PRIMARY VENDOR] FOR 6-SACK CONCRETE IN THE AMOUNT OF \$72.00 PER CUBIC YARD AND REDI MIX CONCRETE [SECONDARY VENDOR] IN THE AMOUNT OF \$74.00 PER CUBIC YARD AND TO LOW BIDDER LATTIMORE MATERIALS CO., [PRIMARY VENDOR] FOR RAPID SET CONCRETE IN THE AMOUNT OF \$102.00 PER CUBIC YARD AND TREFFINGER, INC., DBA COLLINS CONCRETE [SECONDARY VENDOR] IN THE AMOUNT OF \$160.00 PER CUBIC YARD.
10. BID NO. 2010-019 – PURCHASE OF FIVE ½-TON PICKUPS – AWARDED TO CALDWELL COUNTRY CHEVROLET IN CALDWELL, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$102,567.85.
11. BID NO. 2010-021 – PURCHASE OF FOUR ¾-TON CAB AND CHASSIS WITH UTILITY BODIES – AWARDED TO CALDWELL COUNTRY CHEVROLET IN CALDWELL, TEXAS, THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$109,151.08.

12. BID NO. 2010-031 – ANNUAL CONTRACT FOR HEAVY EQUIPMENT MAINTENANCE – AWARDED TO HOLT TEXAS, LTD., DBA HOLT CAT FOR CATERPILLAR EQUIPMENT AND ENGINES IN THE AMOUNT OF \$50,000.00; LANDMARK EQUIPMENT CO., INC., FOR NEW HOLLAND EQUIPMENT AND FORD TRACTORS IN THE AMOUNT OF \$43,300.00; CONLEY LOTT NICHOLS OF TEXAS, INC., FOR BOBCAT, MORBARK AND INGRAM EQUIPMENT IN THE AMOUNT OF \$17,300.00 AND STEWART & STEVENSON LLC, FOR DETROIT ENGINES IN THE AMOUNT OF \$23,300.00 THROUGH AN INTERLOCAL AGREEMENT WITH THE CITY OF IRVING FOR A TOTAL AMOUNT OF \$133,900.00.
13. BID NO. 2010-034 – ANNUAL SUPPLY OF PERSONAL COMPUTERS – AWARDED FOR PERSONAL COMPUTERS AND MONITORS TO DELL, INC., IN THE AMOUNT OF \$65,057.79 AND SOFTWARE AND SOFTWARE LICENSES TO DELL ASAP SOFTWARE IN THE AMOUNT OF \$16,960.86 THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AND UNINTERRUPTIBLE POWER SUPPLIES TO CDWG IN THE AMOUNT OF \$2,183.93 THROUGH THE COOPERATIVE PURCHASING NETWORK FOR A TOTAL AMOUNT OF \$84,202.58.
14. BID NO. 2010-035 – PURCHASE OF A SURVEILLANCE VAN – AWARDED TO SOLE SOURCE PROVIDER THE SIRCHIE GROUP IN THE AMOUNT OF \$92,924.00.
15. PROJECT NO. 2010-036, PHASE 2 – NCTCOG TRAFFIC SIGNAL RETIMING PROJECT – INSTALL TRAFFIC SIGNAL FIBER OPTIC LINES – AWARDED TO FUTURE TELECOM THROUGH AN INTERLOCAL AGREEMENT WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT IN THE AMOUNT OF \$385,793.40.
16. PROJECT NO. 2010-037, PHASE 2 – NCTCOG TRAFFIC SIGNAL RETIMING PROJECT – PURCHASE OF ETHERNET EQUIPMENT – AWARDED TO SOLE SOURCE PROVIDER GARRETCOM SOUTHWEST, INC., IN THE AMOUNT OF \$77,000.00.
17. PROJECT NO. 2010-038, PHASE 2 – NCTCOG TRAFFIC SIGNAL RETIMING PROJECT – PURCHASE OF TRAFFIC CONTROLLERS AND CABINET ASSEMBLIES – AWARDED TO SOLE SOURCE PROVIDER TEXAS HIGHWAY PRODUCTS, LTD., THROUGH SIEMENS ENERGY & AUTOMATION, INC., IN THE AMOUNT OF \$414,950.00.
18. BID NO. 2010-039 – PURCHASE OF AN EVACUATION SHELTER SYSTEM – AWARDED TO PROGRESSIVE EMERGENCY PRODUCTS, LLC WITHOUT COMPETITIVE BIDDING, IN ACCORDANCE WITH SECTION 252.022(2) OF THE TEXAS LOCAL GOVERNMENT CODE, IN THE AMOUNT OF \$390,778.50.

19. APPROVED AMENDMENT NO. 1 TO THE 2009-10 POLICE SEIZURE BUDGET IN COMPLIANCE WITH CHAPTER 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE IN THE AMOUNT OF \$105,524.00.
20. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT OF SALE WITH WILLARD J. SNOEYENBOS, JR., ET AL., FOR THE PURCHASE OF 21.934 ACRES OF LAND NEAR THE MESQUITE METRO AIRPORT.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY.

9. RFP NO. 2010-017 – NEIGHBORHOOD STABILIZATION PROGRAM REAL ESTATE SERVICES – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH ALICIA TREVINO, REALTORS TO PROVIDE REAL ESTATE SERVICES IN SUPPORT OF THE NEIGHBORHOOD STABILIZATION PROGRAM – APPROVED WITH STAFF CHANGES.

Mr. Tarpley moved to award RFP No. 2010-017, Neighborhood Stabilization Program Real Estate Services, to Alicia Trevino, Realtors to provide real estate services in support of the Neighborhood Stabilization Program and to authorize the City Manager to execute the contract with staff changes. Motion was seconded by Mr. Pickett. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

END OF CONSENT AGENDA.

Ms. Roberts re-entered the meeting.

PUBLIC HEARINGS.

21. A. PUBLIC HEARING – DISCUSS LOCAL AND STATE TAX INCENTIVES AVAILABLE TO BOTH REHABILITATION HOSPITAL OF MESQUITE, LLC, AND AGAPE GROUP, INC., DBA AGAPE HOME HEALTHCARE AS ENTERPRISE PROJECTS – HELD.

A public hearing was held to discuss local and state tax incentives available to both rehabilitation Hospital of Mesquite, LLC, and Agape Group, Inc., dba Agape Home Healthcare as Enterprise Projects.

City Manager Ted Barron stated that the public hearing is a required step in order for the companies to receive state sales tax incentives from the State of Texas. The application is a competitive process and the benefit is not guaranteed. If the applications are approved by the State, there will be no financial impact on the City of Mesquite.

No one appeared regarding the discussion of local and state tax incentives available to both rehabilitation Hospital of Mesquite, LLC, and Agape Group, Inc., dba Agape Home Healthcare as Enterprise Projects. Mayor Monaco declared the public hearing closed.

- B. ORDINANCE NO. 4071 – ORDAINING THE CITY’S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES AND NOMINATING REHABILITATION HOSPITAL OF MESQUITE, LLC, AND AGAPE GROUP, INC., DBA AGAPE HOME HEALTHCARE TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS ENTERPRISE PROJECTS – APPROVED.

Mr. Pickett moved to approved Ordinance No. 4071, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDAINING THE CITY’S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING REHABILITATION HOSPITAL OF MESQUITE, LLC, AND AGAPE GROUP, INC. DBA AGAPE HOME HEALTHCARE TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS ENTERPRISE PROJECTS (PROJECT). Motion was seconded by Mr. Forsythe and approved unanimously. (Ordinance No. 4071 recorded on page of Ordinance Book No. 94.)

22. A. PUBLIC HEARING – CONSIDER A PROGRAM (CHAPTER 380 AGREEMENT) WITH RIDGE RANCH DEVELOPMENT CORPORATION TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH PROPERTY LOCATED NEAR THE INTERSECTION OF CARTWRIGHT ROAD AND LAWSON ROAD – HELD.

Mr. Pickett abstained from the discussion regarding this item and left for the remainder of the meeting.

A public hearing was held to consider a program (Chapter 380 agreement) with Ridge Ranch Development Corporation to promote economic development and stimulate business and commercial activity in conjunction with property located near the intersection of Cartwright Road and Lawson Road.

City Manager Ted Barron stated that the public hearing allows citizens to comment on an incentive to encourage development of a neighborhood with higher value homes. This is one element in addressing the City’s Project Renewal strategy to encourage move-up housing developments.

No one appeared regarding a program (Chapter 380 agreement) with Ridge Ranch Development Corporation to promote economic development and stimulate business and commercial activity in conjunction with property located near the intersection of Cartwright Road and Lawson Road. Mayor Monaco declared the public hearing closed.

- B. CONSIDER APPROVING THE TERMS AND CONDITIONS OF A PROGRAM (CHAPTER 380 AGREEMENT) WITH RIDGE RANCH DEVELOPMENT CORPORATION TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN CONJUNCTION WITH PROPERTY LOCATED NEAR THE INTERSECTION OF CARTWRIGHT ROAD AND LAWSON ROAD – APPROVED.

Mr. Tarpley made a motion to approve the terms and conditions of a program (Chapter 380 agreement) with Ridge Ranch Development Corporation to promote economic development and stimulate business and commercial activity and to authorize the City Manager to execute the agreement. Motion was seconded by Ms. Roberts. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

23. APPOINTMENT OF ONE REGULAR MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD AND TREE BOARD FOR A TERM TO EXPIRE OCTOBER 21, 2011.

Mr. Porter moved to reappoint Phillip Hawkins as a regular member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2011. Motion was seconded by Ms. Roberts. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

24. APPOINTMENT OF ONE MEMBER TO THE PERSONNEL/TRIAL BOARD FOR A TERM TO EXPIRE NOVEMBER 7, 2012. WHO WILL ALSO SERVE ON THE CIVIL SERVICE COMMISSION.

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Ms. Roberts moved to reappoint David Diaz as a member of the Personnel/Trial Board for a term to expire November 7, 2012, who will also serve on the Civil Service Commission by appointment of the City Manager. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

25. APPOINTMENT OF ONE REGULAR MEMBER TO THE BOARD OF ADJUSTMENT/AUTOMATED TRAFFIC SIGNAL ENFORCEMENT ADVISORY COMMITTEE FOR A TERM TO EXPIRE JANUARY 1, 2012.

Mr. Porter made a motion to appoint Brian Hutcheson as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee, by designation of Deputy Mayor Pro Tem Bill Porter, for a term to expire January 1, 2012. Motion was seconded by Ms. Roberts. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

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

Motion carried. The meeting adjourned at 3:22 p.m.

Sonja Land
City Secretary

John Monaco
Mayor