

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

Present: Mayor John Monaco and Councilmembers Dennis Tarpley, Al Forsythe, Stan Pickett, Shirley Roberts and Brian Hutcheson, City Manager Ted Barron and City Secretary Sonja Land.

Absent: Councilmember Bill Porter

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 briefing regarding: (1) Progress of the Mesquite Arts Center/Arts Council Five-Year Strategic Plan, (2) Transit Open House concept, (3) Screening fences and maintenance responsibilities and (4) 2011 Tax Credit projects and review process.

(2) Council directed staff to include the cities of Balch Springs and Seagoville in the notification efforts and to investigate what is needed to place a referendum regarding light rail on the May 2011 municipal election ballot.

(3) Staff will reassess the screening wall ratings, prioritize the locations that are in the greatest need of repair and report back to Council on the estimated cost for addressing this need prior to the Council's policy retreat in January. Council directed staff to include information about the feasibility of wrought iron fencing, with landscaping, as an alternative to solid masonry screening walls.

MESQUITE HOUSING FINANCE CORPORATION AND MESQUITE HEALTH FACILITIES DEVELOPMENT CORPORATION MEETINGS – CITY COUNCIL CHAMBER – 1:12 P.M.

The City Council recessed at 1:12 p.m. for meetings of the Mesquite Housing Finance Corporation and Mesquite Health Facilities Development Corporation.

WORK SESSION – CITY COUNCIL CHAMBER – 1:21 P.M.

A. INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2010 – RECEIVED.

Don Simons, Director of Finance, presented the Investment Report for the quarter ending September 30, 2010.

The work session ended at 1:25 p.m.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:55 P.M.

The City Council met in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Economic development incentives for a medical office project locating on North Galloway Avenue); whereupon the City Council proceeded to

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meet in the City Council Conference Room. After the closed meeting ended at 2:10 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 Rod Brewer, Associate Pastor, Family Cathedral of Praise, Mesquite, Texas.

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

CONSENT AGENDA.

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 18, 2010.
2. BID NO. 2010-046 – SOUTH MESQUITE CREEK SANITARY SEWER – IH 30 TO MOON DRIVE – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER BARSON UTILITIES, INC., IN THE AMOUNT OF \$880,605.00.
3. BID NO. 2011-003 – ANNUAL SUPPLY OF JANITORIAL SUPPLIES – AWARDED TO LOW BIDDERS SUNBEAM FOODS, INC., GROUP I, ITEMS 1-7 IN THE AMOUNT OF \$79,578.50; EAGLE BRUSH CHEMICAL, INC., GROUP II, ITEMS 1-55 IN THE AMOUNT OF \$91,672.22 AND EAGLE BRUSH AND CHEMICAL, INC., GROUP III, ITEMS 1-31 IN THE AMOUNT OF \$8,700.66 FOR A TOTAL AMOUNT OF \$179,951.38.
4. BID NO. 2011-005 – ANNUAL MOWING SERVICES FOR ENVIRONMENTAL CODE – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH LOW BIDDER TRUGREEN LANDCARE IN THE AMOUNT OF \$102,066.00.
5. BID NO. 2011-033 – PURCHASE OF TWO 72-INCH TORO GROUNDSMASTER Z-MOWERS AND TWO 48-INCH TORO GROUNDSMASTER Z-MOWERS – AWARDED TO PROFESSIONAL TURF PRODUCTS THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$53,224.82.
6. BID NO. 2011-034 – CITY LAKE AQUATIC CENTER RENOVATIONS – AWARDED TO SUNBELT POOLS, INC., THROUGH BUYBOARD, SPONSORED BY THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE CONTRACT, IN THE AMOUNT OF \$79,234.50.

7. BID NO. 2011-036 – ANNUAL SUPPLY OF ASPHALTIC MATERIALS – AWARDED TO APAC TEXAS, INC., THROUGH AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH DALLAS COUNTY, IN AN AMOUNT NOT TO EXCEED \$175,000.00.
8. BID NO. 2011-037 – PURCHASE OF ONE 33,000 GVW CAB AND CHASSIS FOR HIGH PRESSURE SEWER CLEANER BODY – AWARDED TO SANTEX TRUCK CENTERS, LTD., IN SAN ANTONIO, TEXAS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$62,232.00.
9. BID NO. 2011-038 – PURCHASE OF ONE HIGH PRESSURE SEWER CLEANER BODY – AWARDED TO TEXAS UNDERGROUND, INC., IN SAN ANTONIO, TEXAS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$93,718.00.
10. A. MAYOR AUTHORIZED TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE SOUTHEAST TEXAS GOVERNMENT EMPLOYEE BENEFITS POOL.

A. BID NO. 2011-39 – MEDICAL PLAN OPTIONS FOR OVER AGE 65 RETIREES – CITY MANAGER AUTHORIZED TO EXECUTE AN AGREEMENT WITH TAGCO, THE TRUSTEE OF THE HARTFORD MEDICARE SUPPLEMENT PLAN AND AN AGREEMENT WITH UNITED HEALTHCARE SECURE HORIZONS FOR A MEDICARE ADVANTAGE PLAN THROUGH THE PUBLIC EMPLOYEE BENEFITS ALLIANCE (PEBA).
11. CITY MANAGER AUTHORIZED TO EXECUTE A GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, FOR PARTICIPATION IN THE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP).

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

12. A. PUBLIC HEARING – CONSIDER A PROGRAM (CHAPTER 380 AGREEMENT) WITH TIPP DISTRIBUTORS, INC., DBA NOVAMEX TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH PROPERTY LOCATED AT 4401 SAMUELLE BOULEVARD – HELD.

A public hearing was held to consider a program (Chapter 380 agreement) with Tipp Distributors, Inc., dba Novamex to promote economic development and stimulate business and commercial activity in conjunction with property located at 4401 Samuell Boulevard.

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Tom Palmer, Manager of Economic Development, introduced Bill Dunmead, Logistics Manager for Novamex, and explained that Novamex has executed an 11-year lease for approximately 145,000 square feet in the Mesquite Business Center and agrees to the incentive offered by the City, a 50 percent rebate of City property taxes paid by the company for a term of seven years.

Mr. Dunmead introduced Trace Elrod with Jackson Cooksey and stated that Novamex was founded in 1987 and is headquartered in El Paso. Novamex's primary business is bottling soft drinks in Mexico and distributing Hispanic food products primarily in the southwestern portion of the United States.

Councilmembers welcomed Novamex and look forward to the company's presence in the community.

No one appeared regarding a program (Chapter 380 agreement) with Tipp Distributors, Inc., dba Novamex to promote economic development and stimulate business and commercial activity in conjunction with property located at 4401 Samuell Boulevard. Mayor Monaco declared the public hearing closed.

- B. CONSIDER APPROVING THE TERMS AND CONDITIONS OF A PROGRAM (CHAPTER 380 AGREEMENT) WITH TIPP DISTRIBUTORS INC., DBA NOVAMEX TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN CONJUNCTION WITH PROPERTY LOCATED AT 4401 SAMUELL BOULEVARD – APPROVED.

Ms. Roberts made a motion to approve the terms and conditions of a program (Chapter 380 agreement) with Tipp Distributors Inc., dba Novamex to promote economic development and stimulate business and commercial activity in conjunction with property located at 4401 Samuell Boulevard and to authorize the City Manager to execute the agreement. Motion was seconded by Mr. Forsythe and approved unanimously.

- 13. PUBLIC HEARING – ZONING – APPLICATION NO. 1461-111A-2010 SUBMITTED BY JAMES BELT FOR BASEBALL NATION, LLC, AND ORDINANCE NO. 4119 TO AMEND PLANNED DEVELOPMENT ORDINANCE NO. 2960 ON PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT – RESIDENTIAL SINGLE FAMILY TO ALLOW INDOOR AND OUTDOOR SPORTS AND RECREATION USES ON A 26.246-ACRE TRACT LOCATED AT 1410 WOODED LAKE DRIVE – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. 1461-111A-2010 submitted by James Belt for Baseball Nation, LLC, to amend Planned Development Ordinance No. 2960 on property currently zoned Planned Development – Residential Single Family to allow indoor and outdoor sports and recreation uses on a 26.246-acre tract located at 1410 Wooded Lake Drive.

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James Belt, 2403 Brookchase Drive, Mesquite, presented the application and stated that there are three existing fields. Current plans are to begin construction of an indoor facility by the Spring of 2011 and later add a minor league baseball field. The applicant is in agreement with the stipulations proposed by the Planning and Zoning Commission.

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

Councilmembers expressed support for the application.

Ms. Roberts moved to approve Application No. 1461-111A-2010, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Permitted uses: In addition to all uses permitted in the R-1 Single-Family Residential Zoning District, the following uses shall be permitted:
 - a. Commercial sports with the exception that no motor sports shall be permitted.
 - b. Indoor sports, athletic clubs
 - c. Sports instruction
 - d. Concessions incidental to other permitted uses
2. No separation requirements from adjacent uses or zoning districts shall be applicable.
3. Buildings must be setback a minimum of 25 feet from all property lines.
4. One monument sign shall be permitted in the PD in compliance with regulations for monuments signs as found in the Mesquite Sign Regulations.
5. Wall signs shall be permitted on permanent buildings only.
6. Banner signs shall be permitted on ball field walls or fences promoting a particular event and/or acknowledging official sponsors of that particular event. Such banners may be installed no more than 48 hours prior to the event and must be removed within 24 hours following the event.
7. All lighting shall be in compliance with Section 3-408 of the Mesquite Zoning Ordinance.

And to approve Ordinance No. 4119, 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 THE STIPULATIONS ON PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT WITH A CONDITIONAL USE PERMIT BY DELETING ALL PREVIOUS STIPULATIONS AND ADDING NEW STIPULATIONS TO ALLOW FOR SPORTS AND RECREATION USES; 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. 4119 recorded on page _____ of Ordinance Book No. 95.)

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS.

14. RESIGNATION RECEIVED FROM PHILLIP HAWKINS AS A MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD/TREE BOARD.

Mr. Pickett moved to accept the resignation of Phillip Hawkins as a member of the Parks and Recreation Advisory Board/Tree Board. Motion was seconded by Ms. Roberts and approved unanimously.

15. CONSIDER APPOINTMENT OF ONE MEMBER TO THE PERSONNEL/TRIAL BOARD FOR A TERM TO EXPIRE NOVEMBER 7, 2013, WHO WILL ALSO SERVE ON THE CIVIL SERVICE COMMISSION.

Mr. Pickett moved to reappoint Ray Stuart as a member of the Personnel/Trial Board for a term to expire November 7, 2013, who will also serve on the Civil Service Commission by appointment of the City Manager. Motion was seconded by Ms. Roberts and approved unanimously.

16. APPOINTMENT OF ONE MEMBER TO THE MESQUITE HOUSING BOARD FOR A TERM TO EXPIRE DECEMBER 3, 2010.

Ms. Roberts moved to appoint Ginny Stuit as a member of the Mesquite Housing Board for a term to expire December 3, 2010. Motion was seconded by Mr. Forsythe and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Mr. Hutcheson and approved unanimously. The meeting adjourned at 3:22 p.m.

Sonja Land
City Secretary

John Monaco
Mayor