

MINUTES OF REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M.,
JANUARY 22, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Mayor John Monaco and Councilmembers David Paschall, John Heiman, Dennis Tarpley, Stan Pickett and Shirley Roberts, City Manager Ted Barron and City Secretary Judy Womack.

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 11:30 A.M.

The City Council met in the City Council Conference Room beginning at 11:30 a.m., to discuss the items on the Regular Agenda and discuss (1) deed restrictions on City-owned property and (2) status of 2008 Real. Texas. Festival.

(1) It was Council consensus to retain current deed restrictions on City-owned property.

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

Invocation was given by Jerry Harvey, Pastor, Creek Crossing Assembly of God, Mesquite, Texas.

The Pledge of Allegiance was led by Tanner Norton, Esmerelda Cervantes, Brandon Stanley and Heaven Bailey, fourth grade students from Gray Elementary School.

SPECIAL ANNOUNCEMENT.

Mr. Heiman recognized Christian Bond and Sean Johnson, Boy Scouts with Troop No. 437, who are working on their Citizenship in the Community merit badge.

CONSENT AGENDA.

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 7, 2008.
2. ORDINANCE NO. 3926 – APPROVING A SETTLEMENT AGREEMENT WITH ATMOS ENERGY CORPORATION MID-TEX DIVISION REGARDING THE COMPANY’S STATEMENT OF INTENT TO CHANGE GAS RATES.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORPORATION MID-TEX DIVISION (“ATMOS MID-TEX” OR “THE COMPANY”) REGARDING THE COMPANY’S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING

RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL. (Ordinance No. 3926 recorded on page _____ of Ordinance Book No. 89.)

3. ORDINANCE NO. 3927 – AUTHORIZING THE CITY MANAGER TO APPROVE CERTAIN CHANGE ORDERS TO CONTRACTS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE CERTAIN CHANGE ORDERS ON CONTRACTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 3927 recorded on page _____ of Ordinance Book No. 89.)

4. RESOLUTION NO. 03-2008 – AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE TOWN OF SUNNYVALE TO PURCHASE VARIOUS GOODS AND SERVICES.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TOWN OF SUNNYVALE TO ESTABLISH A COOPERATIVE PURCHASING PROGRAM BETWEEN THE TWO CITIES. (Resolution No. 03-2008 recorded on page _____ of Resolution Book No. 40.)

5. RESOLUTION NO. 04-2008 – AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF TYLER TO PURCHASE VARIOUS GOODS AND SERVICES.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF TYLER TO ESTABLISH A COOPERATIVE PURCHASING PROGRAM BETWEEN THE TWO CITIES. (Resolution No. 04-2008 recorded on page _____ of Resolution Book No. 40.)

6. RESOLUTION NO. 05-2008 – GRANTING RECOGNITION OF THE MESQUITE POLICE ASSOCIATION AS THE SOLE AND EXCLUSIVE BARGAINING AGENT FOR THE NON-EXEMPT EMPLOYEES OF THE MESQUITE POLICE DEPARTMENT AND AUTHORIZING THE CITY OF MESQUITE, TEXAS, TO MEET AND CONFER WITH THE MESQUITE POLICE ASSOCIATION UNDER SUBCHAPTER B OF CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE, WITHOUT CONDUCTING AN ELECTION.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, GRANTING RECOGNITION OF THE MESQUITE POLICE ASSOCIATION AS THE SOLE AND EXCLUSIVE BARGAINING AGENT FOR THE NON-EXEMPT EMPLOYEES OF THE MESQUITE POLICE DEPARTMENT; AND AUTHORIZING THE CITY OF MESQUITE TO MEET AND CONFER WITH THE MESQUITE POLICE ASSOCIATION UNDER SUBCHAPTER B OF CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE WITHOUT CONDUCTING AN ELECTION. (Resolution No. 05-2008 recorded on page of Resolution Book No. 40.)

7. RFP NO. 2008-034 – ANNUAL CONTRACT FOR TEMPORARY PERSONNEL SERVICES (VARIOUS DEPARTMENTS) – AWARDED TO ANNEXUS PERSONNEL AND BUSINESS SERVICES.
8. A. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 2 TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH WILSON AND COMPANY FOR RENOVATION OF FIVE RECREATION FACILITY PARKING LOTS IN THE AMOUNT OF \$4,760.00.

B. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 3 TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH WILSON AND COMPANY FOR RENOVATION OF FIVE RECREATION FACILITY PARKING LOTS IN THE AMOUNT OF \$1,800.00.
9. APPROVED THIRD- AND FINAL-YEAR FUNDING FOR BID NO. 2005-007, ANNUAL SUPPLY OF FIRE PROTECTIVE CLOTHING FOR THE FIRE DEPARTMENT, IN THE AMOUNT OF \$77,939.68.
10. RECEIVED SEMIANNUAL REPORT FROM THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE IN ACCORDANCE WITH SECTION 395.058(c)(4) OF THE TEXAS LOCAL GOVERNMENT CODE.
- 11 CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE27-0640, ANNUAL MOWING OF CITY MEDIANS - \$2,345.73; CE27-7210, ART CENTER PARKING LOT EXPANSION AND UTILITY RELOCATION – ENGINEERING CONTRACT AMENDMENT NO. 1 - \$4,460.00; CE27-7960, COMMUNITY SERVICES BUILDING LANDSCAPE ART IMPROVEMENTS – [\$4,379.00] AND CE27-7070, 2006-ETJ AND ANNEXED AREA WATER SYSTEM STUDY – AMENDMENT NO. 1 COORDINATION AND REVIEW - \$4,850.00.)

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

12. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH BOTTLING GROUP, LLC, D/B/A/ THE PEPSI BOTTLING GROUP, TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE SKYLINE INDUSTRIAL DISTRICT – HELD.

A public hearing was held to consider a program with Bottling Group, LLC, d/b/a/ The Pepsi Bottling Group, to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District.

Daren Watkins, Special Events/Economic Development Coordinator, stated that The Pepsi Bottling Group is planning a 100,000-square-foot expansion of its Mesquite plant. The expansion will consist of approximately 80,000 square feet of warehousing space and approximately 20,000 square feet of manufacturing space.

Mr. Watkins introduced Frank Mays, Mesquite Plant Manager, who stated that Pepsi is looking forward to expanding its Mesquite plant which is the largest Pepsi bottling plant in Texas. He stated that the expansion project will add 5 to 10 new jobs and allow the relocation of pallets currently located along the I 30 corridor to the east side of the facility. Mr. Mays stated the proposed expansion will address the Mesquite manufacturing plant's needs for four to five years.

No one appeared regarding a program with Bottling Group, LLC, d/b/a/ The Pepsi Bottling Group, to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District. Mayor Monaco declared the public hearing closed.

Mr. Mays stated that the entire line of Pepsi products is produced at the Mesquite plant including Pepsi, Diet Pepsi, Mountain Dew, Lipton Tea and Aquafina. He added that the plant contains a rigorous water filtration system which will be enlarged to support the increase in production.

Mr. Mays stated the plant expansion will allow Pepsi to become more environmentally friendly with added molding capabilities resulting in lighter weight plastic bottles and by pre-treating the waste water expelled from the facility. In the last six months recycling operations for plastic and aluminum have also been instituted at the Mesquite plant.

- B. RESOLUTION NO. 06-2008 – APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH BOTTLING GROUP, LLC, D/B/A/ THE PEPSI BOTTLING GROUP, TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE SKYLINE INDUSTRIAL DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT – APPROVED.

Mr. Heiman moved to approve Resolution No. 06-2008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BOTTLING GROUP, LLC, D/B/A/ THE PEPSI BOTTLING GROUP, FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Resolution No. 06-2008 recorded on page _____ of Resolution Book No. 40.)

13. A. PUBLIC HEARING – CONSIDER ADOPTING AN AMENDMENT TO THE PROJECT AND FINANCING PLAN FOR THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO – HELD.

A public hearing was held to consider adopting an amendment to the Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.

Jerry Dittman, Assistant Director of Public Works, stated that the amendments to the Project and Financing Plan for the Town Centre Tax Increment Finance (TIF) Reinvestment Zone No. Two include (1) Town East Mall site lighting project in the amount of \$2,000,000 for replacement of all lighting in the Town East Mall parking lot and (2) a contract with Halff Associates, Inc., for study, design and permitting of stream bank stabilization for South Mesquite Creek and Stream 2B7 and design of trails in compliance with the City's Trail Master Plan in the total amount of \$272,470.

No one appeared regarding an amendment to the Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two. Mayor Monaco declared the public hearing closed.

- B. ORDINANCE NO. 3928 – APPROVING AMENDMENTS TO THE 2004 AMENDED AND RESTATED PROJECT AND FINANCING PLAN FOR THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO – APPROVED WITH REVISION.

Mr. Paschall moved to approve Ordinance No. 3928 excluding the line item regarding the Town East Mall site lighting project which will be considered at the February 4, 2008, City Council meeting, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING THE AMENDMENTS TO THE 2004 AMENDED AND RESTATED PROJECT AND FINANCING PLAN FOR TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS; MAKING A FINDING OF FEASIBILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Heiman and approved by all voting "Aye." (Ordinance No. 3928 recorded on page _____ of Ordinance Book No. 89.)

- C. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH HALFF ASSOCIATES, INC., FOR PROFESSIONAL SERVICES REGARDING STUDY, DESIGN AND PERMITTING OF STREAM BANK STABILIZATION FOR SOUTH MESQUITE CREEK AND STREAM 2B7 AND DESIGN OF TRAILS IN COMPLIANCE WITH THE CITY'S TRAIL MASTER PLAN IN CONJUNCTION WITH THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO IN THE TOTAL AMOUNT OF \$272,470.00 – APPROVED.

Mr. Paschall moved to authorize the City Manager to execute an agreement with Halff Associates, Inc., for professional services regarding study, design and permitting of Stream Bank Stabilization for South Mesquite Creek and Stream 2B7 and design of trails in compliance with the City's Trail Master Plan in conjunction with the Towne Centre Tax Increment Finance Reinvestment Zone No. Two in the total amount of \$272,470.00. Motion was seconded by Mr. Heiman and approved unanimously.

APPOINTMENT TO BOARDS AND COMMISSIONS.

14. APPOINTMENT OF ONE MEMBER TO THE MESQUITE INDUSTRIAL DEVELOPMENT CORPORATION FOR A TERM TO EXPIRE JANUARY 28, 2011.

Mr. Pickett moved to reappoint Ted Barron as a member of the Mesquite Industrial Development Corporation for a term to expire January 28, 2011. Motion was seconded by Mr. Heiman and approved unanimously.

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

Judy Womack
City Secretary

John Monaco
Mayor