



# City of Grand Prairie

City Hall Plaza  
317 College Street  
Grand Prairie, TX

## Minutes - Final City Council

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Tuesday, September 20, 2011

4:30 PM

Council Briefing Room

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### Call to Order

Mayor England called the meeting to order at 4:32 p.m.

Present 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

### Staff Presentations

1

Water Loss Reduction Program - Presented by Jim Siddall, Public Works Department

*Jim Siddall, Water Utilities Division, stated that North Texas was going through the hottest drought on record. In order to offset the drought, water conservation measures have been put in place such as water restrictions. He said water restrictions reduce consumption and peak demand and keeps the city from having to purchase additional water supplies. Another important measure to conserve water is to reduce water loss. Some of the efforts to reduce water loss include a rapid response time to reports leaks. In order to have crews available during daylight hours, some crews come in early in the day and some have split shifts. Mr. Siddall said there is also a need to be able to detect leaks that are not apparent on the surface. He said ground microphones can detect underground leaks by picking up the sounds water makes as it escapes from water lines. A Leak Correlator device can be attached to a pipe or fire hydrant where a leak is suspected. The correlator listens to the leak and filters out other noises such as other running water (shower; commode, etc.) then the device pinpoints the source of the leak. This device saves a lot of money by detecting the exact source of a leak thus preventing tearing up a street and looking for a leak that may be many feet further down the street. Another type of ground microphone can be left out overnight to detect leaks in various parts of town and are moved from different sections each night.*

*Deputy Mayor Pro Tem Jackson asked if these problems would persist next year. Mr. Siddall said that most leaks this year have occurred in cement pipes because of their inflexibility as the ground shifts when it dries out.*

2

Getting the Point Across - Public Works Advertising - Presented by Selena Jackson, Public Works Department

*Selena Jackson, Public Works Department, stated that more than 170,000 residents and visitors rely on the Public Works Department for value, quality and maintenance of water, sewer, wastewater, brush pickup, traffic signals and other services. She said the Public Works Department received the American Water Works Association Public Community Achievement Award in 2009. The department's publication efforts*

include State mandated programs for water conservation; drought contingency; grease control and also awareness programs for street sales tax; online payments; and paperless billing. Public relations efforts include a speakers bureau; exhibits; mobile units; give-away items; information on Channel 16, Pipeline, Theater contract; water bill inserts, brochures, postcards, and posters.

3

### Summer Fun Recap - Presented by Danny Boykin, Parks and Recreation Department

Danny Boykin, Recreation Manager, gave a recap of the many events held by the Parks and Recreation Department including an Easter egg hunt; Arbor Day; playground builds; Cinco De Mayo; Crawfish Boil; Mayfest; Memorial Day service. Summer events included 30,655 visits at Kirby Creek Natatorium; 27,639 pool visits; a Summer Lunch Program where 14,826 lunches were served; Summer Camp with 140 kids at Bowles; 55 at Charley Taylor Recreation Center, and 40 kids at Dalworth Recreation Center. Mr. Boykin thanked the Housing Department for providing CDBG funding for 61 summer camp scholarships. Other summer events included Juneteenth; NRPA USA Olympic Day and Bowles Trail Opening; Summit 4th of July Party; 2011 USSA World Series with 103 teams; 2011 VTD Girls Word Series with 41 teams; Summit Triathlon; National Fast Pitch Softball series; Parks & Rec night at the QuikTrip with over 5200 people; Grandparents Day carnival; Hatch Chile Festival and Artwalk; Doggie Splash; and End of Summer concerts at Quiktrip park.

### Agenda Review

Mayor England stated that he and staff had a meeting with the Corps of Engineers (COE) this past week regarding the drilling moratorium at the dam. He said the COE are going to do a study but as yet have not hired an independent consultant. They estimated the study will take a year. The Colonel assured the city if there is litigation the COE would defend their position strongly. Mayor England said the city may need to extend the moratorium in six months if the study is not done. City Manager Tom Hart said the COE Major said the Joe Pool Lake dam is performing as it should and the language in their letter was to cover the whole country. Council Member Giessner asked if the COE asked about an extension of the city's moratorium at this time. Mayor England said not at this time, but he would feel comfortable extending it until the study is complete. Mayor Pro Tem Swafford commented that it is disappointing the city got the COE letter back in March asking for a 6-month moratorium, but they had not hired a consultant at that time and still have not hired a consultant. Mr. Hart said he would have preferred that the COE would have handled the moratorium, but since we have drilling permits issued the city needed to do the moratorium.

Mr. Hart reported that the city had received a challenge to sales tax from a major defense company in the amount of \$1 million. He said a new law now requires the Comptroller to notify the city of such challenges. Mr. Hart said he brought in sales tax consultant who asked the Comptroller if she could foresee any more challenges. She said there would likely be a challenge for the period of 2008-11 from the same company. He explained that since the budget is based on projections the budget was amended to pay with one-time money rather than hitting the operating budget next year. Staff will also look at a 20-year no interest payout on this. Mayor Pro Tem Swafford said staff had looked at taking the one-time money out of the funds that had received the tax payments during this period. He said he favored paying over 20 years rather than sending a one-time payment. Council Member Giessner asked if there could be other challenges. Mr. Hart replied that as far as he knew it was just this one and that this same company has an audit in for 2008-11. He said this

company is not even showing up on our tax payments for the top 200 companies for the past three years. Mr. Hart said he is asking Kyle Kasner to see if court cases would affect other taxpayers. Mayor Pro Tem Swafford asked if the Attorney General was defending the Comptroller. He added that the city will need to decide if we need to support the defense side and Mr. Kasner will be looking at this. Council Member Shotwell asked what time period this challenge covered. Mr. Hart said it was for the period of 2004-2007. Mr. Postell said individual companies must file a claim with the Comptroller. Council Member Shotwell asked how far back the audits could go. Mr. Hart said he did not think there was any statute of limitations on it. Mayor England pointed out that the city's sales tax has not always been at the same rate. He said the city will need backup information for how figures were arrived at by Comptroller.

Under Agenda Review Council Member Shotwell asked when the Gifford/Bagdad road project would start (ref: Item 17). Jim Sparks, Transportation Director, said they will have a preconstruction meeting and they want to start within the next two weeks.

Council Member Jensen referred to Item 7 - Council Meeting Scheduled for 2012, and asked if other Council Members would consider deleting the July 3, 2012 meeting from the schedule because it is so close to the July 4 holiday. The consensus was to remove that date from the meeting schedule and this item will be amended during the consideration of the Consent Agenda items.

Mayor England stated that since there were several Public Improvement District items on the agenda, he would consider a single motion on the PIDs. Since these are public hearings, all speakers will be heard before a motion can be made. Council Member Jensen noted that the assessment rate of some of the PIDs are almost 1/3 of the city's tax rate.

## **Executive Session**

**There was no executive session.**

## **Recess Meeting**

**Mayor England recessed the meeting at 5:33 p.m.**

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**6:30 PM City Council Chambers**

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**Deputy Mayor Pro Tem Ruthe Jackson gave the Invocation. The Pledge of Allegiance to the US Flag and to the Texas Flag was led by Council Member Greg Giessner.**

## **Presentations**

**4 Recognition of AirHogs American Association Championship**

*Mayor England said this year there were new team owners and a new general manager for the AirHogs, and the American Association Championship was a great*

way to start out. He said he was very proud to have the AirHogs team here in Grand Prairie and recognized their great accomplishment. Gary Ellison, Owner, and Scott Barry, General Manager, said there will be a World Series Party and championship shirts and other memorabilia will be made available to fans. Mr. Barry thanked the citizens of Grand Prairie, and the City Council and staff. He said the coaching staff and players made this happen and they were appreciative of the great facility. Mayor England presented certificates and small gifts to the team members who were present.

- 5 Eagle Scout Awards to be presented to: Alex Hargrove; Gilbert Lopez; Gabriel Reyes; Jordan Reyes; and Adam Roper
- Certificates were presented to Adam Roper; Jordan Reyes; and Alex Hargrove recognizing their achievement of reaching the Eagle Scout status. Deputy Mayor Pro Tem Jackson said special congratulations were in order to the Reyes brothers for receiving the Eagle Scout Award at the same time. Council Member Thorn said there were three eagle scouts sitting on the dais and he had not before seen five scouts recognized at one time (note: Gilbert Lopez and Gabriel Reyes could not be present). He added the young men have a great future ahead of them.*

### Consent Agenda

**Deputy Mayor Pro Tem Jackson moved, seconded by Council Member Fregoe to approve Item 6, remove Item 7 for individual consideration, and approve items 8 through 17 on the Consent Agenda. The motion carried unanimously.**

- 6 Minutes of the September 6, 2011 Meeting
- Approved on the Consent Agenda**
- 7 Council Meeting Schedule - 2012
- Council Member Jensen moved, seconded by Deputy Mayor Pro Tem Jackson, to delete the July 3, 2012 meeting from the 2012 Council Meeting Schedule and approve as amended. The motion carried unanimously.**
- 8 Sale of Tax Foreclosure Properties at 2005 SE 14th Street, 2106 Varsity Drive and 525 NW 17th Street
- Approved on the Consent Agenda**
- 9 Interlocal Agreement with Dallas County for Health Services in FY 2012 at an annual cost of \$38,854
- Approved on the Consent Agenda**
- 10 Interlocal Agreement with the City of Fort Worth for the collection and disposal of household hazardous waste at the Environmental Collection Center at a cost of \$47.00 per household, based on utilization, and not to exceed a total cost of \$81,000 for FY 2012.
- Approved on the Consent Agenda**

- 11 Trinity River Authority Laboratory Services Contract for Analysis of Water and Wastewater in an amount not to exceed \$260,000  
**Approved on the Consent Agenda**
- 12 One year maintenance agreement with Motorola, a sole source provider, in the amount of \$283,582.20 for maintenance and management of the City-Wide Radio Communications System from October 1, 2011 through September 30,2012.  
**Approved on the Consent Agenda**
- 13 Resolution approving revisions to the City of Grand Prairie's Investment Policy to become effective upon passage and approval.  
**Adopted**  
Enactment No: RES 4519-2011
- 14 Resolution Authorizing Publication of Notice of Intent to Issue Certificates of Obligation  
**Adopted**  
Enactment No: RES 4520-2011
- 15 Resolution delegating authority for contracts and change orders up to \$50,000 to the City Manager and the named Deputy City Managers.  
**Adopted**  
Enactment No: RES 4521-2011
- 16 Resolution Approving Adoption of GASB 54 Standards and Applications, Committing Fund Balances as Applicable, Delegating to the City Manager the Responsibility of Assigning Funds When Appropriate, and Adopting Revisions to the Financial Management Policy.  
**Adopted**  
Enactment No: RES 4522-2011
- 17 Ordinance amending the FY 2010-2011 Capital Improvements Project Budget and a construction contract with Haydon Building Corp, Inc. for the construction of Gifford Street and Bagdad Road as well as the construction of N.E. 15th Street the amount of \$5,287,536; material testing in the amount of \$113,343; in-house engineering in the amount of \$343,690; and 5% construction contract contingency in the amount of \$264,377; for a total project cost of \$6,008,946  
**Adopted**  
Enactment No: ORD 9247-2011

## Public Hearing Consent Agenda

- 18 SU090903A - Specific Use Permit Renewal - 1917 Young Street (City Council District 5). Consideration of a request for the renewal of a Specific Use Permit for an automotive impound yard on 1.33 acres. The subject property is zoned Light Industrial-Limited Standards (LI-LS) District and is generally located south of Main Street at 1917 Young Street. The subject property is located within the Central Business District-Three (CBD-3) Overlay District. The owner is David Langston and the applicant is Rick Campbell. (On September 12, 2011, the Planning and Zoning Commission postponed this case by a vote of 8-0 until staff completes a code review for this case.)

**Deputy Mayor Pro Tem moved seconded by Council Member Thorn, to close the public hearing and table Case SU090903A and SU100702A (Items 18 and 19 on the Public Hearing Consent Agenda). The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

- 19 SU100702A - Specific Use Permit Renewal - 1924 Young Street (City Council District 5). Consideration of a request for the renewal of a Specific Use Permit for an automotive body shop facility on 0.3093 acres. This subject property is zoned Light Industrial-Limited Standards (LI-LS) District and is generally located south of Main Street at 1924 Young Street. The subject property is located within the Central Business District-Three (CBD-3) Overlay District. The owner is Chokas Brothers Investment and the agent is Walter Nelson. (On September 12, 2011, the Planning and Zoning Commission postponed this case by a vote of 8-0 until staff completes a code review for this case.)

**Tabled**

## Public Hearing on Zoning Applications

- 20 SU110901 - Specific Use Permit - 684 W. Tarrant Road (City Council District 1). Consideration of a request for the approval of a Specific Use Permit for a multi purpose/special event center on 5.4 acres. The subject property is zoned Planned Development District-217 (PD-217) and is generally located south of Interstate Highway 30, being situated north and east of Tarrant Road. The property is located in the Belt Line Road Overlay District. The owner/applicant is A. C. McAfee and the agent is Mike King. (On September 12, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

**Council Member Hepworth moved, seconded By Council Member Giessner, to close the public hearing and approve Case SU110901. The motion carried unanimously.**

**Ayes: 9 -**

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9248-2011

**21**

TA110901 - Text Amendment - Article 8, "Landscape and Screening ," & Appendix C, "Fence Detail," of the Unified Development Code. A request for approval of a text amendment to Article 8, "Landscape and Screening" and Appendix C, "Fence Detail," of the Unified Development Code. The purpose of this amendment is to designate a landscaping percentage for institutional land uses, modify the requirements for non-required fences in Light Industrial (LI) and Heavy Industrial (HI) Districts, and to add a fence detail design for black vinyl coated chain link fences. The owner is the City of Grand Prairie, Texas, the applicant is Kevin Lasher, AICP, and the agent is Ryan Miller. (On September 12, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

**Council Member Shotwell moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case TA110901. The motion carried unanimously.**

**Ayes: 9 -**

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9249-2011

**22**

TA110902 - Text Amendment - Article 4, "Permissible Uses," & Article 22, "Fee Schedule" of the Unified Development Code. A request for approval of an amendment to Article 4, "Permissible Uses," and Article 22, "Fee Schedule," of the Unified Development Code. The purpose of this amendment is to remove references to electrical fees in the Code of Ordinances, move the development standards for concrete batching plants from the Code of Ordinances to the Unified Development Code, update the Fee Schedule, and to provide general clerical and grammatical corrections and clarifications of text. The owner is the City of Grand Prairie, Texas, the applicant is Kevin Lasher, AICP, and the agent is Ryan Miller. (On September 12, 2011, the Planning and Zoning Commission recommended approval of this request by a vote of 8-0.)

**Council Member Jensen moved, seconded by Deputy Mayor Pro Tem Jackson, to close the public hearing and approve Case TA110902. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9250-2011

### **Items for Individual Consideration**

23

Ordinance Amending the FY 2010/2011 Operating Budgets

*Kathleen Mercer, Budget Director, stated that several funds had gone over the approved appropriation and now must be approved for the incremental increase.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Fregoe, to adopt an ordinance amending the FY 2010/11 Operating Budget. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9251-2011

24

Second Public Hearing on the FY 2011/2012 Operating Budgets and adopt an Ordinance adopting the FY 2011/12 City Operating Budgets

*Ms. Mercer said the FY 2011/12 Operating Budgets total \$264,889,099 which included a 3% raise for employees. Mayor England stated that anyone who wished to speak during the public hearing should approach the podium. There were no speakers. Mayor Pro Tem Swafford stated he was not ready to make any changes to the budget other than those approved two weeks ago and discussed in the August budget workshop.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Hepworth, to close the public hearing and adopt an ordinance adopting the FY 2011/12 Operating Budgets. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9252-2011

25

Second Public Hearing on the FY 2011/2012 Capital Improvement Projects Budget and an Ordinance Adopting the FY 2011/2012 Capital Improvements Projects Budget

*Ms. Mercer stated that the proposed Capital Improvements Project Budget totalled \$35,693,730.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Giessner, to**



**close the public hearing and adopt an ordinance adopting the FY 2011/12 Capital Improvement Projects Budget. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9253-2011

26

Ordinance amending the Code of Ordinance, Chapter 26, "Utilities and Services" relating to fees for water, wastewater and stormwater utilities.

*Ron McCuller, Public Works Director, stated that the proposed ordinance is for water, wastewater and stormwater utilities rate increases averaging 8%.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Fregoe, to close the public hearing and adopt an ordinance for water, wastewater and stormwater utility rates. The motion carried.**

**Ayes:** 8 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen and Council Member Bill Thorn

**Nays:** 1 -

Council Member Tony Shotwell

Enactment No: ORD 9254-2011

27

Resolution authorizing the City Manager to negotiate and acquire right-of-way for the FY 2011/2012 Capital Improvement Projects

**Mayor Pro Tem Swafford moved, seconded by Council Member Jensen, to adopt a resolution authorizing the City Manager to negotiate and acquire right-of-way for the FY 2011/12 Capital Improvement Projects. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: RES 4523-2011

28

Resolution Accepting the FY 2012-2016 Capital Improvements Plan

**Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Jackson, to adopt a resolution accepting the FY 2012-2016 Capital Improvements Plan. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: RES 4524-2011

29

Ordinance adopting and levying the ad valorem tax for the Fiscal Year 2011/2012 at a rate of \$.669998 per \$100 of assessed value on all taxable property within the corporate limits of the city on January 1, 2011, not exempt by law; providing revenues for payment of current municipal expenses, and for interest and sinking fund on outstanding City of Grand Prairie bonds; providing for enforcement of collections; providing for a severability clause; and providing an effective date.

*Diana Ortiz, Chief Financial Officer, stated that the proposed tax rate is \$.669998 per \$100 of assessed value on all taxable property. She stated that this tax rate has not changed from the current tax rate.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Hepworth, to adopt and levy the tax rate of \$.669998 for FY2011/12. The motion carried unanimously.**

**Ayes: 9 -**

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9255-2011

30

Ordinance for the 2011 tax roll resulting in a tax levy in the amount of \$63,267,520 based on the Certified Appraisal Rolls approved by the Dallas Central, Tarrant and Ellis Central Appraisal Districts.

*Ms. Ortiz stated that the Tax Code requires the City Council to approve the tax roll which applies the adopted tax rate to the tax roll.*

**Mayor Pro Tem Swafford moved, seconded by Council Member Jensen, to adopt an ordinance approving the 2011 tax roll. The motion carried unanimously.**

**Ayes: 9 -**

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9256-2011

31

Fairway Bend PID (City Council District 1).

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Fairway Bend PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

*Mayor England opened a public hearing on Items 31 through 46 (Public Improvement Districts). Ms. Lee Harriss, Finance Department, was present to answer questions from citizens regarding the PID assessment, 5-year plans and board appointments. Ms. Harriss stated that the Whispering Oaks PID assessment is increasing but all other PID assessments rates remain the same. Mayor Pro Tem Swafford stated*

when he was reviewing the five-year plans for the PIDs, he noticed in the Country Club Park PID there was an expense shown for \$35,000 but there was no explanation of what the expenditure was for. He asked that in the future capital expenditures be explained in the plan.

John Warren, 4311 Hampton Circle, stated that he had no issue with the present rate of the Westchester PID. He said he enjoyed coming into the well kept subdivision and has lived there for 15 years. Mr. Warren said he was concerned about the crime rate in Westchester. His home was burglarized in December and several other homes in Westchester have been burglarized. Mayor England said he was certain Police Chief Dye was aware of this as well as in other neighborhoods and the department is closely monitoring these neighborhoods.

Dolores Malinke, 5312 Brazoria Drive, Lake Parks PID, said she was disappointed with the PID, not with the assessment rate. She said some of the sidewalks need to be connected and the park is not being maintained.

Council Member Jensen said the PIDs are a great asset to the city.

**Council Member Jensen moved, seconded by Council Member Hepworth, to close the public hearing and approve Items 31 through 46. The motion carried unanimously.**

**Ayes: 9 -**

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: ORD 9257-2011

**32**

Parkview PID (City Council District 1)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Parkview PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9258-2011

**33**

Walingford Village PID (City Council District 2)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Walingford Village PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9259-2011

**34**

Whispering Oaks PID (City Council District 3)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Whispering Oaks PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;

d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9260-2011

35

Monterrey Park PID (City Council District 3)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Monterrey Park PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9261-2011

36

Country Club Park PID (City Council District 3)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Country Club Park PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9262-2011

37

Brookfield PID (City Council District 4)

- a. Public Hearing - Service Plan - Assessment Roll and Rate
- b. Adoption of the Brookfield PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9263-2011

38

Forum Estates PID (City Council District 4)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Forum Estates PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9264-2011

39

Lone Star Meadows PID (City Council District 4)

- a. Public Hearing - Service Plan - Assessment Roll and Rate;
- b. Adoption of the Lone Star Meadows PID 5-year Service Plan;
- c. Ordinance approving the assessment roll and rate;
- d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9265-2011

- 40 Silverado Springs PID (City Council District 4)
- a. Public Hearing - Service Plan - Assessment Roll and Rate;
  - b. Adoption of the Silverado Springs PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate;
  - d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9266-2011

- 41 Southwest Village PID (City Council District 4).
- a. Public Hearing - Service Plan - Assessment Roll and Rate
  - b. Adoption of the Southwest Village PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate
  - d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9267-2011

- 42 Oak Hollow/Sheffield Village PID (City Council Districts 4 and 6)
- a. Public Hearing - Service Plan - Assessment Roll and Rate;
  - b. Adoption of the Oak Hollow/Sheffield Village PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate;
  - d. PID Board Membership

**Adopted**

Enactment No: ORD 9268-2011

- 43 High Hawk PID (City Council District 6)
- a. Public Hearing - Service Plan - Assessment Roll and Rate;
  - b. Adoption of the High Hawk PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate;
  - d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9269-2011

- 44 Westchester PID (City Council District 6)
- a. Public Hearing - Service Plan - Assessment Roll and Rate;
  - b. Adoption of the Westchester PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate;
  - d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9270-2011

- 45 Peninsula PID (City Council District 6)
- a. Public Hearing - Service Plan - Assessment Roll and Rate;
  - b. Adoption of the Peninsula PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate;
  - d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9271-2011

- 46 Lake Parks PID (City Council District 6)
- a. Public Hearing - Service Plan - Assessment Roll and Rate;
  - b. Adoption of the Lake Parks PID 5-year Service Plan;
  - c. Ordinance approving the assessment roll and rate;
  - d. PID Advisory Board Membership

**Adopted**

Enactment No: ORD 9272-2011

- 47 Resolution authorizing the use of the power of eminent domain for public use to acquire all of the fee simple street right-of-way and easement parcels for public use, as described in the resolution, which are needed for construction of street and intersection improvements to Freetown Road from Robinson Road to Carrier Parkway and for construction of the 30-inch Robinson Road Waterline Project

**Mayor Pro Tem Swafford moved, seconded by Deputy Mayor Pro Tem Jackson, to adopt a resolution authorizing the use of the power of eminent domain for public use to acquire all of the fee simple street right-of-way and easement parcels for public use, as described in the resolution, which are needed for construction of street and intersection improvements to Freetown Road from Robinson Road to Carrier Parkway and for construction of the 30-inch Robinson Road Waterline Project. The motion carried unanimously.**

**Ayes: 9 -**

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

Enactment No: RES 4525-2011

- 48 Board and Commission Appointments

**Deputy Mayor Pro Tem Jackson moved, seconded by Mayor Pro Tem Swafford, to appoint Gloria Carrillo to the Building Advisory and Appeals Board for a term to expire May 31, 2012, and appoint Jack Cooper to the Commission on Aging with a term to expire May 31, 2013. The motion carried unanimously.**

**Ayes:** 9 -

Mayor Charles England; Mayor Pro Tem Jim Swafford; Deputy Mayor Pro Tem Ruthe Jackson; Council Member Richard Fregoe; Council Member Greg Giessner; Council Member Mark Hepworth; Council Member Ron Jensen; Council Member Tony Shotwell and Council Member Bill Thorn

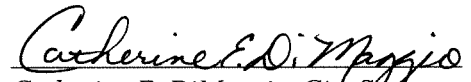
**Citizen Comments**

*There were no citizen comments.*

**Adjournment**

**Mayor England adjourned the meeting at 7:30 p.m.**

*The foregoing minutes were approved at the October 18, 2011 meeting.*

  
Catherine E. DiMaggio, City Secretary