

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – OCTOBER 5, 2009**

Discuss the items on the Work and Regular Agenda and receive update
regarding Environmental Code activity.

Discussed.

EXECUTIVE SESSION – NOON **711 N. GALLOWAY – CITY COUNCIL CONFERENCE ROOM**

- (1) **PENDING AND CONTEMPLATED LITIGATION (See Notice of Executive Session – Litigation for Listing of Subjects.)**
- (2) **APPOINTMENT AND EVALUATION OF PUBLIC OFFICIALS (See Notice of Executive Session – Personnel Matters for Listing of Subjects.)**

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

- A. Receive monthly financial report for August 2009. Received.
- B. Receive annual report from the Mesquite Arts Council. Received.
- C. Review existing tax abatement agreements and other economic development agreements. Reviewed.

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

INVOCATION

(Marsha Middleton, Senior Pastor, First United Methodist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation participants from Evans Senior Citizens Center.)

Agenda for City Council meeting

October 5, 2009

Page 2 of 6

SPECIAL ANNOUNCEMENTS

- (1) Ms. Roberts thanked the pledge participants for the cookbook they presented to the Council.
- (2) Ms. Roberts announced that Saturday, October 10, 2009, is the 5th Annual Addressing Mesquite Day event. Churches and volunteers throughout the community will be utilized to help the elderly and disabled with home improvements projects. Also, the Association of Realtors will partner with the Mesquite Fire Department to install smoke detectors in these homes. Mayor Monaco added that 700-800 volunteers and 65-70 homes will be involved in the 5th Annual Addressing Mesquite Day event.

SPECIAL RECOGNITION

1. Presentation of National Code Compliance Month proclamation to the City's Environmental Code Division. Proclamation was presented.

CITIZENS FORUM

No one appeared.

PRESENTATION OF CERTIFICATE

2. Presentation of a Certificate of Election to Councilmember Shirley Roberts, Place 4. Certificate of Election was presented.

CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the City Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council.)

3. Minutes of the regular City Council meeting held September 21, 2009. Approved.
4. A. A resolution adopting guidelines and criteria for evaluating reinvestment zone applications and tax abatement agreements. Approved by Resolution No. 34-2009.
B. A resolution adopting guidelines and criteria for granting business incentives and Section 380 Agreements. Approved by Resolution No. 35-2009 with changes to the agreement.

Agenda for City Council meeting

October 5, 2009

Page 3 of 6

5. Bid No. 2009-103 – Annual Landscape Maintenance of the TxDOT IH 635/Town East Boulevard/Towne Centre Interchange.
(Staff recommends the City Manager be authorized to execute a contract with Greener Pastures Landscape, Inc., in the amount of \$83,942.83.)
Awarded as recommended.
6. Bid No. 2009-108 – Annual Supply of Duplicating Papers.
(Staff recommends award to low bidder Western Paper Company in the amount of \$84,955.82.) **Awarded as recommended.**
7. Bid No. 2010-018 – Purchase of 12 Police Pursuit Vehicles.
(Staff recommends award to Dallas Dodge in Dallas, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program in the amount of \$259,860.00.) **Awarded as recommended.**
8. Bid No. 2010-022 – Purchase of One Mobile Hydraulic Hammer.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Hi-WAY Equipment Co., in Houston, Texas, in the amount of \$78,038.00.) **Awarded as recommended.**
9. Authorize the City Manager to execute a Park Use Permit with Old Town Mesquite, Inc., for the 2009 Pumpkin Fest to be held Saturday, October 17, 2009, at City Lake Park. **Approved.**
10. Ratify acquisition of property from the Mesquite Independent School District for the Don Achziger Elementary School/Park site in the amount of \$313,393.28 and authorize the Mayor to execute the necessary documents.
Ratified.
11. Authorize the Mayor to execute an interlocal agreement with the Mesquite Independent School District for participation in the design and construction of park improvements at Don Achziger Elementary School Park in an amount not to exceed \$345,299.98. **Approved.**
12. Authorize the City Manager to execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP). **Approved.**
13. Receive Change Order Report from City Manager.
(CE 2009-049, Asphalt Street Reconstruction Project (Lawson, Shannon and Lumley Road) – (\$290.74); CE 2009-069, South Mesquite Creek Sanitary Sewer Trunk Main, Phase 1 – (\$325.00); CE 29-9210, DeBusk Park Pedestrian Bridge Improvements – \$3,227.20; CE 2009-028, Driftwood Drive Extension Project – (\$1,117.00); CE 2009-069, South Mesquite Creek Sanitary Sewer Trunk Main, Phase 1 – \$18,118.00; CE 28-8350, Payroll Software System Upgrade – \$24,800.00; CEI018-2009, Annual Screening Wall Repair – \$1,124.79; CE I004-2009, Lone Star Sod LP – \$67.15; CE

Agenda for City Council meeting

October 5, 2009

Page 4 of 6

I118-2008, Annual Supply of Toro Mower Parts – \$1,515.90; CE I040-2009, Annual Supply of Truck and Trailer Springs New and Repaired – \$1,075.22; PO 900527, Camera System – DeBusk Kids Quest – \$1,530.00; CE 2008-050, Annual Supply of HVAC Supplies - \$834.00.) **Received.**

PUBLIC HEARINGS

14. A. Conduct a public hearing to consider a program with Mesquite Specialty Hospital to promote economic development and stimulate business and commercial activity in conjunction with property located at 1024 North Galloway Avenue. **Public hearing held.**
- B. Consider approving the terms and conditions of a program with Mesquite Specialty Hospital 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 1024 North Galloway Avenue. **Approved with changes.**
15. Conduct a public hearing and consider an ordinance for Application No. 1461-144-2009 submitted by F. Michael Graves for a zoning change from Light Commercial with a Conditional Use Permit to Light Commercial with a revised Conditional Use Permit to allow for the sale of used cars, or in the alternative to Commercial with a Conditional Use Permit to allow for the sale of used cars and miniwarehouses. This property is further described as a 7.95-acre tract located at 1919 Oates Drive.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the revised Conditional Use Permit with certain stipulations but denial of the zoning change to Commercial. This item was postponed at the September 21, 2009, City Council meeting.) **Approved by Ordinance No. 4069 with certain stipulations.**

RECEIPT OF RESIGNATION

16. Receive resignation from Cindy Burkett as a member of the Board of Adjustment. **Resignation accepted.**

Adjournment.

NOTICE OF EXECUTIVE SESSION

Pending and Contemplated Litigation:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending and contemplated litigation subjects or settlement offers. The following cases/subjects may be

Agenda for City Council meeting

October 5, 2009

Page 5 of 6

discussed:

1. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
2. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble, Lewisville, Mesquite, North Richland Hills and Plano, Denton County Transportation Authority and Fort Worth Transportation Authority as Third-Party Intervenor v. Carole Keeton Strayhorn in her Official Capacity as Comptroller of Public Accounts for the State of Texas as Original Defendant with the City of Grand Prairie Added as a Party Defendant by the Intervenor – Filed 4-18-07
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
5. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
6. Estate of Steven Everett Shaw; Mark Shaw; Elisandra Lopez as Mother and Next Friend of Dominic Taylor Shaw, a Minor; and Dale Roberts v. Nicolas Sierra, Police Officer, and Todd Cavaliere, Police Officer – Filed 10-9-08
7. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
8. Govind Group Corporation v. the City of Mesquite, Texas; the Building Standards Board of the City of Mesquite, Texas; Ron Hall, Patrick Reyes, James T. Wofford, Richard G. Walker, Jr., Cecil Mackey, Sam Motley and Glen D. Dickerson, Being the Chair and Members, Respectively, of the Building Standards Board of the City of Mesquite, Texas; Keith H. Smith, Building Official of the City of Mesquite; and Alfred Paster, Fire Code Official of the City of Mesquite, Filed – 7-20-09

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council will consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other employees. A complete list of the members of the City boards and commissions is on file in the City Secretary's office.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

Agenda for City Council meeting

October 5, 2009

Page 6 of 6

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).