

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

11:30 A.M. – APRIL 6, 2009

Discuss the items on the Work and Regular Agenda and (1) tour new Mesquite Police Facility located at 777 North Galloway and discuss: (2) traffic calming and sidewalks along Main and Davis Streets in downtown Mesquite, (3) Phase Two of the I-30 Corridor redevelopment strategy and (4) financing strategies for the 2009 proposed bond sale and receive update regarding: (5) commuter rail service and (6) Water Conservation and Drought Contingency Plan and discuss: (7) Refurbishing Plan for the Mesquite Convention Center.

(2) It was Council consensus to direct staff to pursue installation of rumble strips and painting of new crosswalks, as discussed, and schedule a speed zone study.

(4) It was Council consensus to direct staff to pursue the potential refunding opportunity.

(5) It was Council consensus to direct staff to pursue recommendations as follows: (1) Establish a goal to deliver an operational light rail line to its citizens by 2020; (2) Coordinate with Forney, Terrell, and Sunnyvale and to enter preliminary negotiations with Dallas Area Rapid Transit (DART) to establish at least one express bus route along SH 352 to be funded from existing 4B revenues. Any permanent facilities established along this route will support the future light rail line; and (3) Begin the alternatives analysis and National Environmental Policy Act (NEPA) process by January 2010 to determine a light rail alignment through Mesquite to be funded by grant money if possible or 4B money if grant money is unavailable.

(6) It was Council consensus to direct staff to place an amended ordinance on a future agenda for adoption.

(7) It was Council consensus to authorize staff to proceed with carpet replacement and direct staff to place cost estimates and priorities on a future agenda.

EXECUTIVE SESSION – 11:30 A.M.

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 reports for January and February 2009.
Received.
- B. Receive briefing regarding the 2009 Real. Texas. Festival. **Received.**

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

INVOCATION

(Terry Turner, Mesquite Friendship Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Jefte Frias-Rivera, Leana Grimes, and Frank Arroyo, fourth grade students from Hanby Elementary School.)

SPECIAL ANNOUNCEMENTS

None.

CITIZENS FORUM

No one appeared.

PRESENTATION OF CERTIFICATE

- 1. Presentation of certificate to Fire Chief Mark Kerby in recognition of his designation as an Executive Fire Officer from the National Fire Academy.
Certificate presented by Mayor Monaco.

APPOINTMENT FOR PERSONAL APPEARANCE

- 2. Appointment – Rich Davis, Chairperson, Parks and Recreation Advisory Board and Tree Board.
(Mr. Davis will present the Boards' annual reports.) **Received.**

CITIZENS INPUT HEARING

- 3. A. Conduct a public hearing to receive input from citizens regarding the allocation of proposed funds received through the American Recovery and Reinvestment Act of 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. **Public hearing held.**

Agenda for City Council meeting

April 6, 2009

Page 3 of 7

- B. A resolution authorizing the City Manager to execute the Fiscal Agency Agreement for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding provided under the American Recovery and Reinvestment Act of 2009 between the County of Dallas and the cities of Addison, Balch Springs, Carrollton, Cedar Hill, Coppell, Dallas, Desoto, Duncanville, Farmers Branch, Garland, Glenn Heights, Grand Prairie, Irving, Lancaster, Mesquite, Richardson, Rowlett and Seagoville; authorizing the submittal of a joint grant application with the United States Department of Justice, Bureau of Justice Assistance; designating the City of Dallas as the applicant and fiscal agent of the joint grant application in the amount of \$242,529.12, concurring in the transfer of allocated funds; and designating the Police Chief as the responsible officer for the purpose of executing all documents associated with the grant. **Approved by Resolution 09-2009.**

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.)

4. Minutes of the regular City Council meeting held March 16, 2009.
Approved.
5. A resolution expressing official intent to reimburse costs of projects.
Approved by Resolution 10-2009.
6. A resolution supporting the Real. Texas. Festival. to be held April 26-29, 2009.
Approved by Resolution 11-2009.
7. Bid No. 2009-021 – Opal Lawrence Historical Park – Water and Sanitary Sewer Improvements, Phase 2.
(Staff recommends the City Manager be authorized to execute the necessary documents with A&M Construction and Utilities, Inc., in the amount of \$58,758.00.) **Awarded as recommended.**
8. Bid No. 2009-028 – Driftwood Drive Extension.
(Staff recommends the City Manager be authorized to execute the necessary documents with low bidder Jim Bowman Construction Company, L.P., in the amount of \$323,492.41 contingent upon receipt of an executed contract between Darden SW, LLC, and Jim Bowman Construction Company, L.P., for the private portion of the project.) **Awarded as recommended.**

Agenda for City Council meeting

April 6, 2009

Page 4 of 7

9. Bid No. 2009-034 – Alley, Drainage & Sanitary Sewer Reconstruction Project.
(Staff recommends the City Manager be authorized to execute a contract with low bidder J & T Excavating, LLC, in the amount of \$963,292.65.)
Awarded as recommended.
10. Bid No. 2009-046 – Alley Reconstruction Project (Ten Alleys).
(Staff recommends the City Manager be authorized to execute a contract with low bidder Estrada Concrete Company, LLC, in the amount of \$703,376.60.) **Awarded as recommended.**
11. Bid No. 2009-047 – Purchase of Three Standard 16-Passenger Cut-Away Chassis Type Buses.
(Staff recommends award to National Bus Sales in the amount of \$174,900.00.) **Awarded as recommended.**
12. Bid No. 2009-086 – Annual Landscape Maintenance of the Municipal Center, City Hall, Mesquite Police Building, Mesquite Arts Center, Mesquite Employee Health Clinic and Willowbrook Parking Lot.
(Staff recommends the City Manager be authorized to execute a contract with low bidder SLM Landscaping in the amount of \$54,004.80.) **Awarded as recommended.**
13. Bid No. 2009-090 – Purchase of a NABCO, Inc., Mobile Thermal Treatment Unit (MTTU).
(Staff recommends award to sole source provider NABCO, Inc., in the amount of \$116,000.00.) **Awarded as recommended.**
14. Authorize the Mayor to execute a Municipal Maintenance Agreement with the Texas Department of Transportation. **Approved.**
 - A. Bid No. 2009-096 – Installation of Ultraviolet Filtration Systems for City Swimming Pools.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Sunbelt Pools, Inc., in the amount of \$148,888.46.) **Awarded as recommended.**

Agenda for City Council meeting

April 6, 2009

Page 5 of 7

PUBLIC HEARINGS

15. Conduct a public hearing for Application No. 74-20 submitted by Bobby Gajera and consider an ordinance for a zoning change from Service Station to Planned Development – General Retail to allow for all uses permitted in General Retail Districts. This property is further described as Valley View Heights, Block C, part of Lot 26, located at 901 Rodeo Center Boulevard. (One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the February 2, 2009, City Council meeting.) **Public Hearing held. Approved with certain stipulations and modifications by Ordinance No. 4042.**
16.
 - A. Conduct a public hearing to consider a program with First State Bank to promote economic development and stimulate business and commercial activity in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. **Public Hearing held.**
 - B. Consider a resolution approving the terms and conditions of a program with First State Bank to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. **Approved by Resolution 12-2009.**
17.
 - A. Conduct a public hearing to consider a revised program with Camelot Sports and Entertainment, LLC, to promote economic development and stimulate business and commercial activity in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. **Public Hearing held.**
 - B. Consider a resolution revising the Chapter 380 agreement with Camelot Sports and Entertainment, LLC, related to the purchase and upgrade of the Mesquite Arena and Mesquite Championship Rodeo and authorizing the City Manager to execute revisions to the Chapter 380 Agreement in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. **Approved by Resolution 13-2009.**

RECEIPT OF RESIGNATION AND APPOINTMENT TO BOARDS AND COMMISSIONS

18. Receive resignation from Phil Appenzeller, Jr., as a member of the Civil Service Commission/Personnel Trial Board. **Resignation accepted.**

Agenda for City Council meeting

April 6, 2009

Page 6 of 7

19. Consider appointment of one member to the Personnel/Trial Board for a term to expire November 7, 2009, who will also serve on the Civil Service Commission. **Appointed David Diaz for a term to expire November 7, 2009.**

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 discussed:

1. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
2. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
5. 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
6. 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
7. City of Mesquite v. B.J. & B.M. Investments, Inc., a Texas corporation, dba Inn on the Creek and Bharatkumar Patel aka Bobby Patel (Manager) – Filed 10-24-08
8. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
9. Liberty Legal Institute's January 22, 2009, letter asserting a notice of rights and claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Agenda for City Council meeting

April 6, 2009

Page 7 of 7

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.

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).