

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – APRIL 19, 2010**

Discuss the items on the Regular Agenda and discuss: (1) initiatives, programs and services for neighborhood renewal, (2) proposed renovation project for the Jewell Westmoreland Social Services Building and (3) receive briefing regarding proposed financing option for redevelopment of the Gus Thomasson Road and IH 30 interchange.

- (1) Discussed. Council directed staff to prepare a proposal for conducting an educational and enforcement campaign for future Council consideration.
- (2) Discussed. It was Council consensus to authorize the volunteer project and to approve the City's proposed amendments as part of the remodeling effort. Council also directed staff to explore some exterior modifications to the metal portion of the building.
- (3) Discussed. Council directed staff to cooperate with Zachary American Infrastructure on the preparation of a pass-through toll financing application to the Texas Department of Transportation, but only on the condition that no costs would be borne by the City should the project application be successful.

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.)**

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

INVOCATION

(Mike Petitt, Pastor, North Mesquite Assembly of God, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Samantha Morataya, Guillermo Juarez and Crystal Ashmore, fourth grade students from Beasley Elementary School.)

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SPECIAL ANNOUNCEMENTS

- (1) Ms. Roberts announced that the 2010 Real. Texas. Festival. will be held on April 23-24, 2010, at the Mesquite Rodeo Plaza and invited everyone to attend.
- (2) Mr. Porter announced that the Mesquite Independent School District held a job fair on Saturday, April 17, 2010, at Poteet High School with approximately 2,200 potential teachers seeking employment, which is an increase over past years.

CITIZENS FORUM

None.

PRESENTATION OF AWARDS

1. Presentation of meritorious awards to Police Department employees.

Mayor Pro Tem Forsythe and Captain Steve Callarman presented meritorious awards to Police Department employees in recognition of their achievements and outstanding service. Awards were presented as follows: (1) Citizen's Certificate of Merit to John Palich and Jeannie Kao; (2) Certificate of Merit to David Gill, Wanda Fyffe, Greg White, Kevin Morris, Mike Parker, Kyle Griffin, Patrick Pellegrini, Vicki Dawson, Paul Pecena and Michael Smith; (3) Meritorious Conduct Bar to Kyle DuPont; (4) Police Shield to Marvin Franklin; (5) Life Saving Award to Prudencio Solis, Kerry Baldwin, Steven Contreras, Paul Zanolini and Jason Krauland; (6) Civilian of the Year to Lee Dunham and (7) Officer of the Year to Josh Troquille.

Those not present to receive awards included: (1) Mitch Kovalcik, Brian Parrish and John Tullis for Certificate of Merit; (2) Ron Parker for Police Commendation Bar and (3) Jeremy Wilemon for Life Saving Award.

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.)

2. Minutes of the regular City Council meeting held April 5, 2010.
Approved.

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3. An ordinance providing for omnibus amendments to the Sign Code, codified as Chapter 13 of the City Code, pertaining to sign definitions, the registration of sign contractors, the issuance of sign permits, prohibited signs, specifications for event signs, monument signs, and wall signs, restrictions and standards for the use of electronic message centers, and requirements for sign types within certain zoning districts.
Approved by Ordinance No. 4086.
4. A resolution adopting the Lincoln Alliance Program 457(b) Governmental Deferred Compensation Plan and Amendment with Lincoln Financial Group and authorizing the City Manager to finalize and execute all documents to implement the plan.
Approved by Resolution No. 14-2010.
5. A resolution supporting the nomination and application of the Mesquite Rehabilitation Institute, L.L.C., for the Texas Enterprise Zone Project status with the Office of the Governor Economic Development and Tourism through the Economic Development Bank.
Approved by Resolution No. 15-2010.
6. A resolution adopting the restatement of the City of Mesquite's Supplemental Retirement Plan and Amendment with VALIC and authorizing the City Manager to finalize and execute all documents to implement the plan.
Approved by Resolution No. 16-2010.
7. Bid No. 2010-069 – Annual Contract for Fuels-E85 Ethanol Fuel, Unleaded Gasoline and Diesel Fuel.
(Staff recommends award to Martin Eagle Oil Company as the primary vendor and Douglass Distributing Co. as the secondary vendor through an Interlocal Cooperative Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery.)
Awarded as recommended.
8. Authorize the City Manager to execute a Management Contract with Ronald Travis for the operation of the Mesquite Golf Course.
Approved.
9. Receive Change Order Report from City Manager.
(CE2009-091, Annual Supply of Medical Supplies – \$1,608.00; CE2009-094, Annual Supply of Tires – \$2,622.28 and CE2010-039, Purchase of Evacuation Shelter - \$16,344.45.)
Received.

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PUBLIC HEARING

10. Conduct a public hearing and consider an ordinance for Application No. 93-4-2010 submitted by C.M. Schade for a zoning change from Planned Development-Single Family to Agricultural. This property is further described as a 7.36-acre tract located at 301 W. Cartwright Road.

(One letter in favor and three letters in opposition to the proposed application have been received. The Planning and Zoning Commission denied the application without prejudice. This item was postponed at the April 5, 2010, City Council meeting.)

Postponed until the May 3, 2010, City Council Meeting.

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. 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 Intervenors 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 Intervenors – Filed 4-18-07
3. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
4. Curtis Fritz and Wendy Fritz, Individually and as Next Friends of Morgan Fritz, a Minor v. the City of Mesquite, Texas, and Rink Management Services Corporation dba “The Ice at Stonebriar,” Filed – 10-26-09
5. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
6. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

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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).