

## **ACTION AGENDA**

### **CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM** **711 NORTH GALLOWAY** **NOON – APRIL 5, 2010**

**Discuss the items on the Work and Regular Agenda and discuss: (1) proposed Veterans Memorial, (2) Keep Mesquite Beautiful Sign Project and (3) proposed amendments to Sign Code.**

- (1) Discussed. It was Council consensus to support staff's recommendation of locating the proposed Veterans Memorial on the west side of Town East Park, adjacent to Parkside Street.
- (2) Discussed. Council directed Keep Mesquite Beautiful, Inc., to obtain additional information regarding the number and proposed locations for the signs, as well as visibility of the proposed design and color scheme. This item will be placed on a future Council agenda for further consideration.
- (3) Discussed. It was Council consensus to direct staff to place the discussed amendments to the Sign Code on a future Council agenda for adoption.

### **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) **PURCHASE, EXCHANGE, LEASE OR VALUE OF PUBLIC PROPERTY (See Notice of Executive Session – Real Property for Listing of Subjects.)**
- (3) **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 February 2010. **Received.**

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

#### **INVOCATION**

(Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.)

## **Agenda for City Council meeting**

**April 5, 2010**

**Page 2 of 6**

### **PLEDGE OF ALLEGIANCE**

(Chris Alvarado, Genesis Hernandez, Ulisses Mata and Marlyn Reys, fourth grade students from Floyd Elementary School.)

### **SPECIAL ANNOUNCEMENTS**

Ms. Roberts announced that the Mesquite Chamber of Commerce is hosting the annual Taste & Trade event on Tuesday, April 6, 2010, at the Mesquite Exhibit Hall from 4:00 p.m. to 8:00 p.m. and invited everyone to attend.

### **CITIZENS FORUM**

Attorneys Shannon McClendon and Ashley Storm, 400 W. 15<sup>th</sup> Street, Suite 720, Austin, spoke regarding the Application of Trinity Valley Electric Cooperative, Inc., to amend its certificate of convenience and necessity for a proposed transmission line through Mesquite's extraterritorial jurisdiction located in Kaufman County.

### **SPECIAL RECOGNITION**

1. Recognize Student Government Day participants from Mesquite High School, North Mesquite High School, West Mesquite High School, Poteet High School and Horn High School.  
Mayor Monaco recognized the Student Mayors, City Councils, City Managers and City Secretaries who will be participating in Student Government Day activities from Mesquite High School and Horn High School on April 9, 2010, and from North Mesquite High School, West Mesquite High School and Poteet High School on April 16, 2010.

### **PRESENTATION OF AWARDS**

2. Presentation of military medals to Noble Mathis and Tim Tumulty on behalf of Vincent Tumulty.  
Brian Chase, Deputy Chief of Staff for Congressman Jeb Henslerling, assisted Mayor Monaco in presenting military medals to Noble Mathis and to Tim Tumulty on behalf of Vincent Tumulty.

### **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 March 15, 2010.  
Approved.

## Agenda for City Council meeting

April 5, 2010

Page 3 of 6

4. An ordinance adopting Supplement No. 39 to the Code of Ordinances for the City of Mesquite.  
Approved by Ordinance No. 4082.
5. An ordinance revising the debt management policy.  
Approved by Ordinance No. 4083.
6. A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State right-of-way at Scyene Road between Peachtree Road and Rodeo Drive from April 23, 2010, through April 24, 2010, for the fourth annual Real. Texas. Festival. commemorating the 53rd anniversary of the Mesquite Championship Rodeo.  
Approved by Resolution No. 11-2010.
7. A resolution authorizing the City Manager to execute an interlocal agreement with Dallas County to participate in the Scofflaw Program.  
Approved by Resolution No. 12-2010.
8. A resolution rescinding Resolution No. 61-2006 thereby allowing City staff to work with Dallas Water Utilities to coordinate the sharing of right-of-way along Lawson Road.  
Approved by Resolution No. 13-2010.
9. RFP No. 2010-003 – Annual Uniform Rental Services.  
(Staff recommends award to UniFirst in the amount of \$62,763.62.)  
Awarded as recommended.
10. Bid No. 2010-044 – Purchase of a 20' Bomb Response Vehicle and Truck Chassis.  
(Staff recommends award to low bidder TriVan Truck Body Texas, LLC, in Waco, Texas, in the amount of \$219,984.00.)  
Awarded as recommended.
11. Bid No. 2010-048 – Annual Supply of Ammunition.  
(Staff recommends award for practice and duty ammunition to GT Distributors, Inc., in the amount of \$51,515.50 and Barney's Police Supplies in the amount of \$17,525.44; and for Simunition ammunition to TACnologies, Ltd. in the amount of \$10,640.00 for a total amount of \$79,680.94.)  
Awarded as recommended.
12. Bid No. 2010-054 – Annual Landscape Maintenance of the TxDOT High Visibility Interchanges.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Good Earth Corporation in the amount of \$50,599.00.)  
Awarded as recommended.

## Agenda for City Council meeting

April 5, 2010

Page 4 of 6

13. Bid No. 2010-062 – Purchase of Traffic Signal Controllers and Cabinet Assemblies.  
(Staff recommends award to sole source provider Texas Highway Products, Ltd., through Siemens Energy and Automation, Inc., in the amount of \$197,400.00.)  
**Awarded as recommended.**
14. Bid No. 2010-067 – Purchase of Grounds Maintenance Equipment for the Mesquite Municipal Golf Course.  
(Staff recommends award to Professional Turf Products, L.P., through BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract in the amount of \$280,536.59.)  
**Awarded as recommended.**
15. Bid No. 2010-068 – Fiber Optic Line Maintenance.  
(Staff recommends award to Future Telecom through an interlocal agreement with the Mesquite Independent School District in the amount of \$60,000.00.)  
**Awarded as recommended.**
16. Authorize the City Manager to execute Amendment No. 3 with C&P Engineering, LTD, for additional engineering services in conjunction with the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Traffic Signal Improvement Project in the amount of \$5,650.00.  
**Approved.**

### PUBLIC HEARINGS

17. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2010-01 amending Sections 2-600 and 6-100 of the Mesquite Zoning Ordinance pertaining to the modification and creation of new regulations governing construction standards for front carports.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of Staff recommendation, Option B. This item was postponed as Zoning Text Amendment No. 2009-05 at the December 7, 2009, and January 19, 2010, City Council meetings.)  
**Public hearing held. Approved by Ordinance No. 4084.**
18. 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 on the 7.36-acre tract located at 301 W. Cartwright Road.  
(No opposition to the proposed application has been received. The Planning and Zoning Commission denied the application without prejudice.)  
**Postponed until the April 19, 2010, City Council Meeting.**

## **Agenda for City Council meeting**

**April 5, 2010**

**Page 5 of 6**

19. Conduct a public hearing and consider an ordinance for Application No. 1461-143A-2010 submitted by James Sneed for a zoning change from Commercial to Commercial with a Conditional Use Permit for an indoor firing range located at 2405 Interstate Highway 30.

(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

**Public hearing held. Approved by Ordinance No. 4085.**

### **RECEIPT OF RESIGNATION**

20. Receive resignation from Kimberly Holloway as a member of the Historic Mesquite, Inc., Board of Directors. **Received.**

### **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. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. 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
5. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
6. 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

## Agenda for City Council meeting

April 5, 2010

Page 6 of 6

7. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
8. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09
9. Contemplated litigation regarding delinquent taxes owed on property located in the Sherwood Forest 1 Addition.  
**Discussed.**

### **Real Property:**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, exchange, lease or value of real property. The following subject may be discussed:

1. Acquisition of property located adjacent to Bruton Park and Bruton Soccer Complex. **Discussed.**

### **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).**