

## **ACTION AGENDA**

### **CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM** **711 NORTH GALLOWAY** **NOON – NOVEMBER 2, 2009**

**Discuss the items on the Work and Regular Agenda and**  
**receive Natatorium Study.**

**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 Investment Report for the quarter ending September 30, 2009.  
**Received.**

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

#### **INVOCATION**

(Brad Brandt, Co-Pastor, Faith Baptist Church, Mesquite, Texas.)

#### **PLEDGE OF ALLEGIANCE**

(Recreation After School Program participants from Florence Recreation Center.)

#### **SPECIAL ANNOUNCEMENTS**

**Ms. Roberts recognized Director of Human Resources George Mones for achieving his goal of running a marathon in all 50 states.**

#### **CITIZENS FORUM**

**Mary Ann Koerner, 5314 Kiamesha Way, expressed concern regarding blue headlights on vehicles.**

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### 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.)

1. Minutes of the regular City Council meeting held October 19, 2009.  
**Approved.**
2. An ordinance adopting Supplement No. 38 to the Code of Ordinances for the City of Mesquite. **Approved by Ordinance No. 4070.**
3. A resolution casting a vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District. **Approved by Resolution No. 39-2009.**
4. A resolution authorizing the City Manager to execute and approve the Local Project Advance Funding Agreement with the Texas Department of Transportation for a statewide transportation enhancement program 2009 for a hike and bike trail in the greenbelt of Clay Mathis Greenbelt Park from Brandy Station Park to Terry Middle School. **Approved by Resolution No. 40-2009.**
5. A resolution authorizing the City Manager to execute and approve the Local Project Advance Funding Agreement with the Texas Department of Transportation for a statewide transportation enhancement program 2009 for a hike and bike trail in the right-of-ways of Military Parkway and Hickory Tree Road. **Approved by Resolution No. 41-2009.**
6. Bid No. 2009-093 – Edgemont Park Addition Water Main Replacement Program, Phase 4.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Perry Williams, Inc., in the amount of \$686,932.50.)  
**Awarded as recommended.**
7. Bid No. 2009-112 – Annual Grinding of Brush.  
(Staff recommends award to Thelin Recycling Company, LLC in the amount of \$.080 per cubic yard.) **Awarded as recommended.**
8. Bid No. 2010-002 – Annual Supply of Concrete.  
(Staff recommends award to low bidder Lattimore Materials Co., [Primary Vendor] for 6-sack concrete in the amount of \$72.00 per cubic yard and Redi Mix Concrete [Secondary Vendor] in the amount of \$74.00 per cubic yard and to low bidder Lattimore Materials Co., [Primary Vendor] for rapid set concrete in the amount of \$102.00 per cubic yard and Treffinger, Inc.,

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dba Collins Concrete [Secondary Vendor] in the amount of \$160.00 per cubic yard.) **Awarded as recommended.**

9. RFP No. 2010-017 – Neighborhood Stabilization Program Real Estate Services.

(Staff recommends the City Manager be authorized to execute a contract with Alicia Trevino, Realtors to provide real estate services in support of the Neighborhood Stabilization Program.) **Awarded with staff changes.**

10. Bid No. 2010-019 – Purchase of Five ½-Ton Pickups.

(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Caldwell Country Chevrolet in Caldwell, Texas, in the amount of \$102,567.85.) **Awarded as recommended.**

11. Bid No. 2010-021 – Purchase of Four ¾-Ton Cab and Chassis with Utility Bodies.

(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Caldwell Country Chevrolet in Caldwell, Texas, in the amount of \$109,151.08.) **Awarded as recommended.**

12. Bid No. 2010-031 – Annual Contract for Heavy Equipment Maintenance.

(Staff recommends award to Holt Texas, LTD., dba Holt Cat for Caterpillar equipment and engines in the amount of \$50,000.00; Landmark Equipment Co., Inc., for New Holland equipment and Ford tractors in the amount of \$43,300.00; Conley Lott Nichols of Texas, Inc., for Bobcat, Morbark and Ingram equipment in the amount of \$17,300.00 and Stewart & Stevenson LLC, for Detroit engines in the amount of \$23,300.00 through an interlocal agreement with the City of Irving for a total amount of \$133,900.00.) **Awarded as recommended.**

13. Bid No. 2010-034 – Annual Supply of Personal Computers.

(Staff recommends award for personal computers and monitors to Dell, Inc., in the amount of \$65,057.79 and software and software licenses to Dell ASAP Software in the amount of \$16,960.86 through the Texas Department of Information Resources and uninterruptible power supplies to CDWG in the amount of \$2,183.93 through The Cooperative Purchasing Network for a total amount of \$84,202.58.) **Awarded as recommended.**

14. Bid No. 2010-035 – Purchase of a Surveillance Van.

(Staff recommends award to sole source provider The SIRCHIE Group in the amount of \$92,924.00.) **Awarded as recommended.**

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15. Project No. 2010-036, Phase 2 – NCTCOG Traffic Signal Retiming Project – Install Traffic Signal Fiber Optic Lines.  
(Staff recommends award to Future Telecom through an interlocal agreement with the Mesquite Independent School District in the amount of \$385,793.40.) **Awarded as recommended.**
16. Project No. 2010-037, Phase 2 – NCTCOG Traffic Signal Retiming Project – Purchase of Ethernet Equipment.  
(Staff recommends award to sole source provider GarretCom Southwest, Inc., in the amount of \$77,000.00.) **Awarded as recommended.**
17. Project No. 2010-038, Phase 2 – NCTCOG Traffic Signal Retiming Project – Purchase of Traffic Controllers and Cabinet Assemblies.  
(Staff recommends award to sole source provider Texas Highway Products, Ltd., through Siemens Energy & Automation, Inc., in the amount of \$414,950.00.) **Awarded as recommended.**
18. Bid No. 2010-039 – Purchase of an Evacuation Shelter System.  
(Staff recommends award to Progressive Emergency Products, LLC without competitive bidding, in accordance with Section 252.022(2) of the Texas Local Government Code, in the amount of \$390,778.50.) **Awarded as recommended.**
19. Approve Amendment No. 1 to the 2009-10 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$105,524.00. **Awarded as recommended.**
20. Authorize the City Manager to execute a Contract of Sale with Willard J. Snoeyenbos, Jr., et al., for the purchase of 21.934 acres of land near the Mesquite Metro Airport. **Approved.**

## PUBLIC HEARINGS

21. A. Conduct a public hearing to discuss local and state tax incentives available to both Rehabilitation Hospital of Mesquite, LLC, and Agape Group, Inc., dba Agape Home Healthcare as Enterprise Projects.  
**Public hearing held.**
- B. Consider an ordinance ordaining the City's participation in the Texas Enterprise Zone Program providing tax incentives, designating a liaison for communication with interested parties and nominating Rehabilitation Hospital of Mesquite, LLC, and Agape Group, Inc., dba Agape Home Healthcare to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as Enterprise Projects. **Approved by Ordinance No. 4071.**

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22. A. Conduct a public hearing to consider a program with Ridge Ranch Development Corporation to promote economic development and stimulate business and commercial activity in conjunction with property located near the intersection of Cartwright Road and Lawson Road. **Public hearing held.**
- B. Consider approving the terms and conditions of a program with Ridge Ranch Development Corporation to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located near the intersection of Cartwright Road and Lawson Road. **Approved.**

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

23. Consider appointment of one regular member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2011. **Phillip Hawkins was reappointed as a member of the Parks and Recreation Advisory Board/Tree Board for a term to expire October 21, 2011.**
24. Consider appointment of one member to the Personnel/Trial Board for a term to expire November 7, 2012, who will also serve on the Civil Service Commission. **David Diaz was reappointed as a member of the Personnel/Trial Board for a term to expire November 7, 2012, who will also serve on the Civil Service Commission.**
25. Consider appointment of one regular member to the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee for a term to expire January 1, 2012. **Brian Hutcheson was appointed as a regular member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee, by designation of Deputy Mayor Pro Tem Bill Porter, for a term to expire January 1, 2012.**

### **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

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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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
7. 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.

**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).**