

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – MAY 18, 2009

Discuss the items on the Regular Agenda and discuss: (1) Commercial Solid Waste rates for multi-family dwellings, (2) 2009 CDBG Budget requests, (3) revisions to Chapter 4 of the City Code regarding animals and (4) Retroreflectivity Law and (5) receive briefing regarding North Central Texas Council of Governments' 2009 Sustainable Development Funding Program.

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.)**

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

INVOCATION

(Josabed Luna, Pastor, Iglesia Bautista, Mimosa Lane Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Gustavo Martinez, Iridian Martinez and Ramiro Gonzalez, fourth grade students from Gray Elementary School.)

SPECIAL ANNOUNCEMENTS

(This time is reserved for special announcements and recognition of individuals or groups.)

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CITIZENS FORUM

(At this time a number of citizens not to exceed ten (10) shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three (3) minutes on a first-come, first-served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.)

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 May 4, 2009.
2. An ordinance providing for an additional penalty in the amount of twenty percent (20%) on delinquent ad valorem taxes, penalty and interest due and delinquent on and after July 1 of the year in which the same became delinquent.
3. An ordinance adopting the 2008-09 amended budget.
4. An ordinance adopting Supplement No. 37 to the Code of Ordinances for the City of Mesquite.
5. Bid No. 2009-038 – Install Traffic Signal and Intersection Improvements, Phase 1B at Town East Boulevard and North Galloway Avenue.
(Staff recommends the City Manager be authorized to execute a contract with low bidder Jim Bowman Construction, Co., in the amount of \$325,151.35, pending approval from Texas Department of Transportation.)
6. Bid No. 2009-059 – Annual Supply of Water Parts.
(Staff recommends award to low bidders: Groups I, II and IV – Municipal Water Works Supply, L.P., in the amount of \$261,785.14 and Group III – Hydraflo, Inc., in the amount of \$7,574.40 for a total amount of \$269,359.54.)
7. Bid No. 2009-072 – Northridge Addition Sanitary Sewer Replacement, Phase 1.
(Staff recommends the City Manager be authorized to execute a contract with low bidder Jim Bowman Construction Co., L.P., in the amount of \$1,071,040.00.)

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WITHDRAWN

8. Bid No. 2009-088 – Annual Supply of Automotive Brakes, Pads and Accessories.
(Staff recommends award to low bidders Dallas Dodge Chrysler Jeep – \$43,781.64; Bob Tomes Ford – \$39,986.56; Russell & Smith Ford, Inc., – \$35,935.42; Midway Auto Supply, Inc., – \$14,070.32; Napa Auto Parts – \$4,604.08; O'Reilly Auto Parts – \$3,145.56; Ogburn's Truck Parts – \$3,033.68 and Metro Ford Truck Sales, Inc., – \$918.03 for a total amount of \$145,475.29.)
9. Bid No. 2009-095 – Annual Contract for Paint and Body Services.
(Staff recommends award to low bidder Budget Auto Body Shop in the amount of \$88,500.00.)
10. Bid No. 2009-101 – Carpet Replacement at the Convention Center.
(Staff recommends the City Manager be authorized to execute a contract with Bagley's Floor Services, Ltd., through BuyBoard in the amount of \$272,485.31.)
11. Authorize the City Manager to execute an amendment to the Local Project Advanced Funding Agreement with the Texas Department of Transportation to change responsibility for the adjustment of eligible utilities from the Local Government to the State in conjunction with the US Highway 80 and Town East Boulevard Interchange Project.
12. Authorize the City Manager to execute an amendment to the engineering design services contract with Bentley Engineering, Inc., for additional engineering services in conjunction with the South Mesquite Creek Sanitary Sewer Replacement Project from IH 30 to Moon Drive in the amount of \$9,200.00.
13. Authorize the City Manager to execute a Public Art Program contract with Tim Prentice in the amount of \$75,000.00 and Cliff Garten in the amount of \$150,000.00 to provide public art at the new Mesquite City Hall.
14. Authorize the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the City of Farmers Branch to allow the purchase of goods and services.
15. Receive Change Order Report from City Manager.
(CE 2009-025, Casa View Heights Sidewalk Repair Project – \$14,805.00; CE 28-8050, Concrete Street, Street Lights and Water Main Rehabilitation Project – \$16,000.00; CE 2009-073, Northridge Addition Sanitary Sewer Lining Under IH 635 – \$5,067.95 and RFP No. 2009-075, Purchase-Mobile Wireless Communication Trailer, \$1,325.00.)

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PUBLIC HEARINGS

16. Conduct a public hearing for Application No. 1095-50-2009 submitted by Shehzad Hussain and consider an ordinance for a zoning change from Commercial (with TERRA overlay) to Commercial (with TERRA overlay) with a Conditional Use Permit to allow the property to be used for an indoor trampoline bungee jumping amusement facility located at 2063 Town East Mall.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

OTHER BUSINESS

17. Consider rescheduling all future regular City Council meetings that fall on an official City holiday to the Tuesday following the official City holiday.

APPOINTMENT TO BOARDS AND COMMISSIONS

18. Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2011.
19. Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on June 2, 2009, at 10:30 a.m.

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. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
2. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
3. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
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. 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

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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

6. 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
7. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
8. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
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)

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. Acceptance of property located on Carmack Street.

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).