

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – OCTOBER 19, 2009**

**Discuss the items on the Regular Agenda and (1) discuss Recreation After School Program (RASP) and (2) receive report regarding the June 11, 2009, flooding events.**

**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.)**
- (3) **COMMERCIAL OR FINANCIAL INFORMATION REGARDING A BUSINESS PROSPECT OR PROJECT (See Notice of Executive Session – Economic Development for Subjects.)**

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

**INVOCATION**

To be determined.

**PLEDGE OF ALLEGIANCE**

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

**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 October 5, 2009.
2. A resolution adopting revised Guidelines and Criteria for Granting Business Incentives and Chapter 380 Agreements.
3. A resolution authorizing the Mayor to execute a 2009 Homeland Security Grant Sub-Recipient Agreement with the Texas Division of Emergency Management in the amount of \$806,925.79, and designating the Fire Chief as the responsible officer for the purpose of signing all subordinate documents associated with this grant.
4. A resolution ratifying the request for project funding in the amount of \$103,000.00 under the North Central Texas Council of Government's (NCTCOG) Request for Project Applications of the Regional Solid Waste Local Project Funding Program, authorizing the City Manager to act on behalf of the City in all matters related to the applications and to include compliance with the project requirements as established by NCTCOG, the Texas Commission on Environmental Quality and the State of Texas, if selected for funding.
5. Bid No. 2009-001 – Northridge Addition Sanitary Sewer Replacement by Pipe Bursting, Phase 2.  
(Staff recommends the City Manager be authorized to execute a contract with Horseshoe Construction, Inc., in the amount of \$1,754,615.00.)
6. Bid No. 2009-109 – Annual Supply of Janitorial Supplies.  
(Staff recommends award to low bidders Sunbeam Foods, Inc., Group I, Items 1-7 in the amount of \$59,520.40; Eagle Brush Chemical, Inc., Group II, Items 1-50 in the amount of \$68,956.06 and Eagle Brush and Chemical, Inc., Group III, Items 1-31 in the amount of \$8,700.66 for a total amount of \$137,177.12.)

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7. Bid No. 2010-029 – Purchase of Three Trailer-Mounted Air Compressors.  
(Staff recommends award to Volvo Construction and Services, in Houston, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$55,370.00.)
8. Authorize the City Manager to execute a Contract of Sale and Settlement Agreement with the Bass and Lucas families and acquire Parcel 26 for the purchase of right-of-way and easements in conjunction with the Pioneer Road Paving, Drainage, Water and Sanitary Sewer Improvement Project in the amount of \$50,625.00 in addition to closing costs not to exceed \$5,000.00.
9. Authorize the City Manager to execute a Memorandum of Understanding with the Mesquite Independent School District regarding a joint marketing campaign.
10. Authorize the City Manager to execute an amendment to the contract with C&P Engineering, LTD, for additional engineering services in conjunction with the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Traffic Signals Improvement Project in the amount of \$10,550.00.

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

11. Consider appointment of three regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2011, and one alternate member for a term to expire October 21, 2010.

### **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

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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. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
5. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
6. 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
7. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
8. 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.

### **Economic Development:**

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

1. Economic development incentives for a residential development near Cartwright Road and Lawson Road.
2. Economic development incentives for a medical office building located on North Galloway Avenue.
3. Economic development incentives for a proposed development near US Highway 80 and Gus Thomasson Road.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

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**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).**