

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **11:00 A.M. – JULY 6, 2010**

Discuss the items on the Regular Agenda and:

- (1) Tour extraterritorial jurisdiction. **Conducted.**
- (2) Discuss proposed 2010-11 budgets for the Information Technology Department, Library and Airport. **Discussed.**
- (3) Discuss proposed Farmers Market near Downtown Square. **Discussed. Council directed staff to work with Jennifer Vidler, President of Old Town Mesquite, Inc., and Old Town Mesquite to develop a formal plan, beginning with securing the approval of affected property owners for a farmers market.**
- (4) Receive briefing regarding properties subject to City-initiated rezoning to the Traditional Neighborhood Multifamily District (TNMF). **Reviewed. It was Council consensus to begin City-initiated rezoning of the identified properties.**

EXECUTIVE SESSION – 11:00 A.M. **711 NORTH 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

(Chris Railey, Senior Pastor, The Oaks, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Michaela Lay, Jesse Lay, Kaira Lay, Brian Berry and Elaina Berry participants in the Summer Reading Club at the Mesquite Public Library.)

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SPECIAL ANNOUNCEMENTS

1. Ms. Roberts commended the Mesquite Fire Department for their professionalism and for the excellent ambulance service she recently received.
2. Mayor Monaco announced that the City of Mesquite recently earned the Texas Chapter of the American Public Works Association's 2010 Public Works Project of the Year Award in the \$10 - \$100 million transportation category for the improvements completed on IH 635 at Town East Boulevard and surrounding areas. He presented the award to Public Works Director Tim Tumulty.

CITIZENS FORUM

None.

PRESENTATION OF CERTIFICATE

1. Presentation of Certificate of Election to Councilmember Brian Hutcheson, Place 5. Mayor John Monaco presented a Certificate of Election to Councilmember Brian Hutcheson.

CITIZENS INPUT HEARINGS

2. Conduct a public hearing to receive input from citizens regarding the proposed 2010-11 City budget. Public hearing held.
3. Conduct a public hearing to receive input from citizens regarding the proposed 2010-11 Community Development Block Grant Program budget. Public hearing held.

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.)

4. Minutes of the regular City Council meeting held June 21, 2010, and the Special City Council meeting held June 23, 2010.
Approved with changes.
5. A resolution authorizing the City Manager to execute an interlocal agreement with the Town of Sunnyvale to permit the installation and maintenance of a 12-inch water main by Sunnyvale in Mesquite right-of-way of Belt Line Road from the City limit north of Town East Boulevard to north of Northwest Drive.
Approved by Resolution No. 31-2010.

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6. Bid No. 2010-055 – Hailey Pump Station Improvement Project – 1,000 kW Emergency Generator and Electrical Improvements.
(Staff recommends the City Manager be authorized to execute a contract with low bidder Kennedy Electric, Inc., in the amount of \$653,600.39.)
Awarded as recommended.
7. Bid No. 2010-066 – Annual Supply of Tires.
(Staff recommends award to low bidders Southern Tire Mart, LLC – \$165,483.45, Blagg Tire and Service – \$41,445.97, GCR Tire Centers – \$22,456.20, Wingfoot Commercial Tire Systems, LLC – \$15,664.12, A to Z Tire & Battery, Inc. – \$5,747.70 and Diamond Service Center – \$5,367.68, for a total amount of \$256,165.12.)
Awarded as recommended.
8. Bid No. 2010-086 – EMS Billing and Collection Services.
(Staff recommends the City Manager be authorized to execute a service agreement with Emergicon, LLC, through an interlocal agreement with the City of McKinney effective October 1, 2010, and ending March 17, 2012, with two one-year renewal options.)
Awarded as recommended.
9. Approve Amendment No. 3 to the 2009-10 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$68,390.00.
Approved.
10. Authorize the City Manager to execute a change order to City Contract No. 2010-044, Purchase of a 20' Bomb Response Vehicle and Truck Chassis, with Trivan Truck Body Texas, LLC, for additional accessories in the amount of \$23,600.00.
Approved.

PUBLIC HEARING

11. Conduct a public hearing and consider an ordinance for Application No. 339-16-2010 submitted by Stephen Plyler and Jeff Trammel for Antique Gallery, LLC, for a zoning change from General Retail to General Retail with a Conditional Use Permit to allow the sale of used merchandise/antiques. This property is further described as a 36,500-square-foot lease space located at 3330 North Galloway Avenue, Suite 225.
(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. 4099.

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APPOINTMENT TO BOARDS AND COMMISSIONS

12. Consider appointment of one member to the Animal Control Advisory Committee for a term to expire September 8, 2010.

Donald White was appointed to the Animal Control Advisory Committee for a term to expire September 8, 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 the Intervenors – Filed 4-18-07
3. 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
4. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
5. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

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.

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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).