

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

NOON – SEPTEMBER 21, 2009

Discuss the items on the Work and Regular Agenda and receive briefing regarding: (1) flooding and Drainage Utility District Projects, (2) proposed Sustainable Development Call-for-Projects submission, (3) extraterritorial jurisdiction and (4) commuter rail service.

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 monthly financial report for July 2009.

REGULAR CITY COUNCIL MEETING

CITY COUNCIL CHAMBER

3:00 P.M.

INVOCATION

(Rocky Pope, Senior Pastor, Mimosa Lane Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation After School Program participants from Shaw Elementary School.)

SPECIAL ANNOUNCEMENTS

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

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.)

INSTALLATION OF COUNCILMEMBER

1. Installation of newly elected Councilmember.

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.)

2. Minutes of the regular City Council meeting held September 8, 2009.
3. An ordinance approving a change of zoning from Commercial Military Parkway-Scyene Corridor (MP-SC) to Commercial MP-SC with a Conditional Use Permit for an ambulance and dispatch service. This property is described as a 5,200-square-foot lease located at 1210 West Scyene Road, Suite D.
4. A resolution adopting an Investment Policy.
5. RFP No. 2009-068 – Purchase and Installation of a Mobile Data Terminal for MTED Buses.
(Staff recommends all bids be rejected.)
6. Bid No. 2010-006 – Annual Radio Maintenance Contract.
(Staff recommends the City Manager be authorized to execute a contract with sole source provider Motorola, Inc., in the amount of \$307,592.04.)
7. Bid No. 2010-009 – Annual Maintenance of Computer Aided Dispatch (CAD)/Records Management System (RMS) and Premier Mobile Data Computer (PMDC).
(Staff recommends the City Manager be authorized to execute a contract with sole source provider Motorola, Inc., in the amount of \$265,092.00.)

Agenda for City Council meeting

September 21, 2009

Page 3 of 7

8. Bid No. 2010-010 – Public Safety Mobile Data System Connectivity Service.
(Staff recommends award to AT&T Mobility through the State of Texas Department of Information Resources in the amount of \$9,097.30 per month for a total annual amount of \$109,167.00.)
9. Bid No. 2010-011 – Purchase of One 33,000 GVW Cab and Chassis with Refuse Body.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Southwest International in Dallas, Texas, in the amount of \$111,223.02.)
10. Bid No. 2010-012 – Purchase of Four 25,500 GVW Cab and Chassis with Recycle Bodies.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Southwest International in Dallas, Texas, in the amount of \$448,974.00.)
11. Bid No. 2010-013 – Purchase of One 33,000 GVW Cab and Chassis with Knuckle Boom.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Southwest International in Dallas, Texas, in the amount of \$135,658.02.)
12. Bid No. 2010-014 – Purchase of One 27,000 GVW Cab and Chassis with Dump Body.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Southwest International in Dallas, Texas, in the amount of \$68,444.42.)
13. Bid No. 2010-015 – Purchase of One 46,000 GVW Cab and Chassis with Dump Body.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Southwest International in Dallas, Texas, in the amount of \$120,687.20.)
14. Authorize the City Manager to execute a Letter of Authorization with North Central Texas Council of Governments (NCTCOG) to provide administrative and implementation assistance in compliance with the Texas Pollution Discharge Elimination System (TPDES) Storm Water Discharge Permit in an amount not to exceed \$6,484.00.
15. Authorize the City Manager to execute a Letter of Authorization with North Central Texas Council of Governments (NCTCOG) for the Fiscal Year 2010 Regional Storm Water Monitoring Program in compliance with the Texas Pollution Discharge Elimination System (TPDES) Storm Water Discharge Permit in an amount not to exceed \$10,537.00.

Agenda for City Council meeting

September 21, 2009

Page 4 of 7

16. Authorize the City Manager to execute a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of a portion of the Mesquite Hike and Bike Trail, Phase 1 Project in the amount of \$3,822,663.00.
17. Authorize the City Manager to execute Amendment No. 12 to the engineering design services contract with HNTB Corporation for additional surveying services in conjunction with the Mesquite Section of the LBJ Corridor Project, Phases 2 and 2B in an amount not to exceed \$44,580.00.
18. Authorize the City Manager to execute an amendment to the engineering services contract with Pipeline Analysis, LLC for additional engineering services in conjunction with the Sanitary Sewer Master Plan Update in the amount of \$12,368.00.
19. Authorize the City Manager to execute the 2010 premium renewal agreement with CIGNA Dental providing employee/retiree DPPO and DHMO Dental Plans effective January 1, 2010.
20. Authorize the City Manager to execute the 2010 Self-Insured Medical Plan Administrative Services Only (ASO) and Prescription Drug Benefits renewal agreement with CIGNA Healthcare, Inc., providing employee/retiree OAP and HMO Group Medical Plans effective January 1, 2010.

PUBLIC HEARINGS

21. Conduct a public hearing and consider an ordinance for Application No. 1461-144-2009 submitted by F. Michael Graves for a zoning change from Light Commercial with a Conditional Use Permit to Light Commercial with a revised Conditional Use Permit to allow for the sale of used cars, or in the alternative to Commercial with a Conditional Use Permit to allow for the sale of used cars and miniwarehouses. This property is further described as a 7.95-acre tract located at 1919 Oates Drive.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the revised Conditional Use Permit with certain stipulations but denial of the zoning change to Commercial.)
22. Conduct a public hearing and consider an ordinance for Application No. 1462-265-2009 submitted by Danny Gamez for a zoning change from Industrial to Industrial with a Conditional Use Permit to allow for the sale of used forklifts and the outdoor display of forklifts. This property is further described as a 1.3109-acre tract located at 3510 E. US Highway 80.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

OTHER BUSINESS

23. A. Consider passage of the following ordinances relating to the 2009-10 budget:
- (1) An appropriation ordinance.
 - (2) An ordinance designating the official population of the City of Mesquite, Texas, as 137,850.
 - (3) An ordinance setting the apartment and commercial solid waste collection rates, effective October 1, 2009.
 - (4) a. An ordinance setting water rates, effective October 1, 2009.
b. An ordinance setting sewer rates, effective October 1, 2009.
 - (5) An ordinance adopting the 2009-10 General Government Pay Plan, effective October 1, 2009, and the 2009-10 Police and Fire Pay Plan, effective January 1, 2010.
- B. Consider an ordinance levying the ad valorem taxes for the year 2009.
- C. Approve Amendment Nos. 1 and 2 to the 2008-09 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$348,850.00.

APPOINTMENTS TO BOARDS AND COMMISSIONS

24. Consider appointment of four regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2011, and two alternate members for terms to expire September 21, 2011.
25. Consider appointment of one member to the Mesquite Youth Services, Inc., Board of Directors for a term to expire May 31, 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 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. 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.

Agenda for City Council meeting

September 21, 2009

Page 7 of 7

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).