

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – SEPTEMBER 7, 2010

Discuss the items on the Regular Agenda and:

- (1) Discuss proposed 2010-11 budget. Discussed.
- (2) Receive briefing and progress report for new City Hall project. Received.

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 2010. Received.

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

INVOCATION

(Marc Dobson, Vicar, Grace Episcopal Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

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

SPECIAL ANNOUNCEMENTS

None.

CITIZENS FORUM

None.

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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 August 16, 2010.
Approved.
2. An ordinance, on first reading, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's third Rate Review Mechanism (RRM) filing in all cities exercising original jurisdiction, declaring existing rates to be unreasonable, requiring the company to reimburse cities' reasonable ratemaking expenses, adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable, approving Atmos Mid-Tex's proof of revenues, extending the RRM process for two cycles and adopting a new RRM tariff, ratifying the settlement agreement including cost recovery for a steel service line replacement program and adopting a savings clause.
First reading of ordinance.
3. An ordinance amending Chapter 5 of the City Code regarding fees for building permits and certificates of occupancy, effective October 1, 2010.
Approved by Ordinance No. 4103.
4. An ordinance amending Chapter 8 of the City Code prohibiting the use, purchase, possession and sale of illegal smoking products and ingestion devices as defined herein within the City limits.
Approved by Ordinance No. 4104.
5. An ordinance amending Section 9-147 of the City Code regarding school zones, effective September 9, 2010.
Approved by Ordinance No. 4105.
6. An ordinance revising the schedule of administrative fees relating to engineering, planning, zoning and subdivision applications and specifically repealing Ordinance No. 4015.
Approved by Ordinance No. 4106.
7. RFP No. 2010-071 – Medical and Dental Coverage.
(Staff recommends the City Manager be authorized to execute the 2010 premium renewal agreement with CIGNA Healthcare, Inc., providing employee/retiree DPPO and DHMO Dental Plans effective January 1, 2011.)
Awarded as recommended.

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8. Bid No. 2010-078 – Annual Supply of Magnetic Water Meters.
(Staff recommends award to low bidder HD Supply Waterworks in the amount of \$114,827.50.)
Awarded as recommended.
9. Consider ratification of a Memorandum of Understanding between the City of Mesquite, Texas, and the Mesquite Police Association under Subchapter B of Chapter 142 of the Texas Local Government Code (Meet and Confer) expiring September 30, 2012, and authorizing the City Manager to execute the Memorandum of Understanding.
Approved.
10. Consider appointment of Dr. Jessie Doyal as the Coordinating Physician for the Mesquite Public Health Clinic for a one-year term to expire September 30, 2011.
Appointed.

PUBLIC HEARING

11. A. Conduct a public hearing to receive input from citizens regarding the proposed 2010-11 City budget.
Public hearing held.
- B. Consider an ordinance approving the budget for fiscal year 2010-11 and appropriating the necessary funds for the maintenance and operation of the City and for activities and improvements as set forth in the budget.
Approved by Ordinance No. 4107.

APPOINTMENTS TO BOARDS AND COMMISSIONS

12. Consider appointment of five members to the Mesquite Veterans' Affairs and Memorial Advisory Board for terms to expire September 7, 2012.
Bill Porter, Linda Rose, Gene Chennault and Jerry Dittman were appointed to the Mesquite Veterans' Affairs and Memorial Advisory Board for a term to expire September 7, 2012.
13. Consider appointment of one member to the Automated Traffic Signal Enforcement Advisory Committee for a term to expire January 1, 2012.
Bruce Archer was appointed to the Automated Traffic Signal Enforcement Advisory Committee for a term to expire January 1, 2012.
14. Consider appointment of five members to the Animal Control Advisory Committee for terms to expire September 8, 2012.
Donald White, Valerie Bradley, Karen McLeon-Ellis, Dr. Michelle Quinn and Jimmy Stephens were reappointed to the Animal Control Advisory Committee for a term to expire September 8, 2012.

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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 and William C. Veal v. City of Mesquite, Texas – Filed 12-10-09
6. Contemplated litigation regarding an arrest by the Mesquite Police Department and discussion of the August 16, 2010, mediation.

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).