

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

NOON – JULY 6, 2009

Discuss the items on the Work and Regular Agenda and (1) discuss proposed 2009-10 budgets for the Housing and Community Services Department, Finance Department, Information Technology Department and Airport and (2) receive briefing regarding dynamic speed display signs.

- (1) Discussed.
- (2) Discussed. Council concurred with staff recommendation to purchase two solar-powered dynamic speed display signs for use on Tripp Road.

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 May 2009. Received.

REGULAR CITY COUNCIL MEETING

CITY COUNCIL CHAMBER

3:00 P.M.

INVOCATION

(Craig Christina, Pastor, Shiloh Terrace Baptist Church, Dallas, Texas.)

PLEDGE OF ALLEGIANCE

(Denica Diaz, Nicole Diaz, Madeline Keheley and Ella Keheley, participants in the Summer Reading Club at the Mesquite Public Library.)

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SPECIAL ANNOUNCEMENTS

None.

CITIZENS FORUM

None.

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 June 15, 2009. **Approved.**
2. A resolution authorizing the City Manager to execute a Local Project Advance Funding Agreement for Traffic Signals with the Texas Department of Transportation to provide materials for the North Galloway Avenue at Highland Village Drive Project. **Approved by Resolution 21-2009.**
3. A resolution supporting a truck lane restriction initiative by the North Central Texas Council of Governments. **Approved by Resolution 22-2009.**
4. A resolution authorizing the City Manager to execute the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement between the County of Dallas and the Cities of Dallas, Addison, Balch Springs, Carrollton, Cedar Hill, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson allocating the amount of \$41,296.84 to the City of Mesquite and designating the Police Chief as the responsible officer for the purpose of signing all documents associated with the grant. **Approved by Resolution 23-2009.**
5. RFP No. 2009-023 – Purchase and Installation of a Permit Tracking Software System.
(Staff recommends all bids be rejected.) **Bids rejected as recommended.**
6. Bid No. 2009-091 – Annual Supply of Emergency Medical Supplies.
(Staff recommends award to low bidder Henry Schein Martx Medical in the amount of \$54,430.17.) **Awarded as recommended.**
7. Bid No. 2009-097 – Concrete Street, Street Lights and Water Main Rehabilitation Project (Town East Boulevard from E. Emporium Circle to Belt Line Road)

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(Staff recommends the City Manager be authorized to execute the necessary documents with low bidder J&T Excavating, LLC, in the amount of \$1,350,420.30.) **Awarded as recommended.**

8. Bid No. 2009-100 – Installation and Containment System for Underground Storage with Concrete Replacement. (Staff recommends award to low bidder Environmental Reconstruction Services, Inc., in the amount of \$51,919.91.) **Awarded as recommended.**
9. Authorize the annulment of Bid No. 2009-094, Annual Supply of Tires, Item No. 5, to Dallas Dodge Chrysler Jeep and re-award Bid No. 2009-094, Annual Supply of Tires, Item No. 5, to next low bidder A to Z Tire & Battery, Inc., in the amount of \$2,580.00. **Awarded as recommended.**
10. Authorize the City Manager to execute a contract with C&P Engineering, LTD, for engineering design services in conjunction with the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Traffic Signals Improvement Project in the amount of \$63,350.00. **Approved.**
11. Authorize the City Manager to execute Change Order No. 2 to City Contract No. 2009-015, Annual Supply of Fire Protective Clothing, to Casco Industries, Inc., in the amount of \$4,943.25. **Approved.**
12. Authorize the City Manager to execute a professional services contract with IPS Advisors, Inc., in the amount of \$10,000.00 to provide financial services consulting for RFP No. 2009-085, Deferred Compensation Plan – Vendor and Investment Provider. **Approved.**
13. Authorize the City Manager to execute an interlocal agreement with Dallas County for the Concrete Street, Street Lights and Water Main Rehabilitation Project on Town East Boulevard from LBJ (I635) to the east City limit in an amount not to exceed \$300,000.00. **Approved.**
14. Authorize the City Manager to execute a professional engineering services contract with Binkley & Barfield Consulting Service for the Concrete Street Rehabilitation Project (Towne Centre from Gus Thomasson Road to Town East Boulevard) in the amount of \$63,600.00. **Approved.**

PUBLIC HEARING

15. A. Conduct a public hearing to consider a program with BIB Partners, LP, dba Mesquite Crossing to promote economic development and stimulate business and commercial activity in conjunction with property located within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two. **Held.**

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- B. Consider approving the terms and conditions of a program with BIB Partners, LP, dba Mesquite Crossing to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two. **Postponed until the July 20, 2009, City Council Meeting.**

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 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)

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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).