

## **ACTION AGENDA**

### **CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM** **711 NORTH GALLOWAY** **NOON – FEBRUARY 1, 2010**

**Discuss the items on the Regular Agenda and discuss: (1) 2010 bond sale (2) exclusive distribution agreement, (3) revisions to the General Government Policies and Procedures Manual, (4) Town East Pool improvements and (5) receive report regarding Environmental Code operations.**

- (1) Discussed.
- (2) Discussed. Council directed staff to continue to negotiate terms with Coca-Cola.
- (3) Discussed. Council directed staff to place this item on the February 15, 2010, City Council agenda.
- (4) Discussed. Council directed staff to place this item on the upcoming City Council/Mesquite Independent School District joint meeting agenda.
- (5) 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 September 2009. **Received.**
- B. Receive Investment Report for the quarter ending December 31, 2009. **Received.**

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

#### **INVOCATION**

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

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**PLEDGE OF ALLEGIANCE**

(Alex Chung, Matthew Flores, Ashleigh Noschese and Bianca Ruiz, fourth grade students from Pirrung Elementary School.)

**SPECIAL ANNOUNCEMENTS**

Mayor Monaco presented a proclamation to the Mesquite Chapter of the American Heart Association declaring Friday, February 12, 2010, as “Wear Red For Women Day” in support of women and their fight against heart disease.

**CITIZENS FORUM**

No one appeared.

**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 January 19, 2010. **Approved.**
2. An ordinance changing the name of Gateway Boulevard to Honorary Boulevard. **Approved by Ordinance No. 4075.**
3. A resolution calling the annual City election to be held on May 8, 2010. **Approved by Resolution No. 03-2010.**
4. A resolution directing publication of notice of intention to issue City of Mesquite, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2010 and resolving other matters related thereto. **Approved by Resolution No. 04-2010.**
5. A resolution expressing official intent to reimburse costs of projects. **Approved by Resolution No. 05-2010.**
6. RFP No. 2010-045 – Annual Medical Plan Reinsurance (Stop Loss).  
(Staff recommends the City Manager be authorized to finalize and execute the appropriate documents to purchase the Medical Plan Insurance [Stop Loss] Policy with CIGNA for the self-funded medical plan.) **Awarded as recommended.**

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7. Receive semiannual report from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.  
**Received.**

### **PUBLIC HEARING**

8. Conduct a public hearing and consider an ordinance for Application No. 342-18-2009 submitted by Mesquite Social Services for a zoning change from Commercial – Military Parkway/Scyene Corridor Overlay to Commercial – Military Parkway/Scyene Corridor Overlay with a Conditional Use Permit to allow for the sale of used merchandise. This property is further described as a 0.553 acre portion of Tract 6, Abstract 342 located at 1035 Military Parkway.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.) **Approved by Ordinance No. 4076 with certain stipulations.**

### **APPOINTMENT TO BOARDS AND COMMISSIONS**

9. Consider appointment of one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire February 1, 2012. **Mike Potter was appointed as an alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire February 1, 2012.**

### **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. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed

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6. 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
7. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
8. 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.

**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).**