

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – SEPTEMBER 20, 2010**

Discuss the items on the Regular Agenda and:

- (1) Receive briefing regarding the fifth annual Real. Texas. Festival. Received.
- (2) Receive briefing regarding proposed changes to cable television Public, Education and Government (PEG) Access channel programming. Received.
- (3) Discuss Mesquite Education Foundation fundraiser. Discussed. It was Council consensus to accept the challenge presented by Greg Noschese, Chair of the MISD Education Foundation Cowboys and Kids 5K Run, to compete in the fundraiser on October 23, 2010.

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) **PURCHASE, EXCHANGE, LEASE OR VALUE OF PUBLIC PROPERTY (See Notice of Executive Session – Real Property for Listing of Subjects.)**
- (3) **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

(Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

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

SPECIAL ANNOUNCEMENTS

Mayor Monaco announced that the City of Mesquite was one of only 14 Texas cities to be recognized as a Texas Certified Scenic City. This designation was earned by adopting some of the State's strictest scenic standards for public roadways and public places. The City of Mesquite's Silver-level certification places it in the second highest ranked group of cities recognized. Mayor Monaco acknowledged the efforts of the Parks and Recreation Department, Keep Mesquite Beautiful, Inc., Planning, Environmental Code, Building Inspection and Solid Waste whose work contributed to Mesquite being recognized as a Texas Certified Scenic City.

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CITIZENS FORUM

Jason Motter, 3832 Glasgow Drive, Plano, representing CIGNA Healthcare, spoke regarding Consent Agenda Item No. 9, RFP No. 2010-071 – Medical Coverage. He stated that CIGNA has represented the City of Mesquite for the past nine years and is a national carrier insuring over 10 million lives. He summarized CIGNA benefits and asked that all aspects are analyzed equally.

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 September 7, 2010.
Approved.
2. An ordinance, on second and final 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.
Approved by Ordinance No. 4108.
3. An ordinance amending Chapter 5 of the City Code regarding operations regulating public and semi-public swimming pools and spas.
Approved by Ordinance No. 4109.
4. A resolution authorizing the City Manager to execute an Interlocal Agreement with Dallas County for the Concrete Street and Street Lights Rehabilitation Project on Town East Boulevard from Motley Drive to LBJ (IH635) in an amount not to exceed \$200,000.00.
Approved by Resolution No. 38-2010.
5. A resolution authorizing the City Manager to execute Amendment No. 3 to the Interlocal Agreement with Dallas County in conjunction with the Dallas Area Household Hazardous Waste Network for fiscal year 2010-11 in an amount not to exceed \$83,280.00.
Approved by Resolution No. 39-2010.

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6. A resolution approving the Mesquite Quality of Life Corporation budget for fiscal year 2010-11.
Approved by Resolution No. 40-2010.
7. A resolution adopting an Investment Policy.
Approved by Resolution No. 41-2010.
8. Bid No. 2010-063 – Concrete Street and Street Lights Rehabilitation Project (Town East Boulevard from Motley Drive to East Emporium Circle).
(Staff recommends the City Manager be authorized to execute a contract with low bidder The Fain Group, Inc., in the amount of \$1,964,142.60.)
Awarded as recommended.
9. RFP No. 2010-071 – Medical Coverage.
(Staff recommends the City Manager be authorized to execute the 2011 third-party administrator services and interlocal agreement with Texas Municipal League Intergovernmental Employee Benefits Pool to provide medical coverage for employees and under age 65 retirees effective January 1, 2011.)
Awarded as recommended.
10. RFP No. 2010-085 – Valley Creek Park Playground Improvements Phase 1: Playground Equipment Purchase.
(Staff recommends award to Recreation Consultants of Texas, Inc., in the amount of \$53,177.00.)
Awarded as recommended.
11. Bid No. 2011-002 – 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 \$334,364.88.)
Awarded as recommended.
12. Bid No. 2011-004 – Annual Maintenance for 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 \$293,457.00.)
Awarded as recommended.
13. Bid No. 2011-019 – Arts Center HVAC Equipment Replacement and Management System.
(Authorize the City Manager to execute a contract with Berger Engineering Company, through Bid No. 2008-092, Time and Materials, in the amount of \$398,670.00.)
Awarded as recommended.

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14. Authorize the Mayor to execute an interlocal agreement with Kaufman County for the regulation and inspection of new and existing on-site sewage facilities located within the municipal boundaries of Mesquite and lying within the geographical boundaries of Kaufman County.
Approved.
15. Authorize the City Manager to execute Amendment No. 3 to the engineering services contract with Nathan D. Maier Consulting Engineers, Inc., for additional engineering, surveying and geotechnical investigation services in conjunction with the South Mesquite Creek Sanitary Sewer Trunk Main project in the amount of \$44,732.00.
Approved.
16. Authorize the City Manager to execute Change Order No. 2 to City Contract No. 2010-026, Paddy Heights Addition Paving Rehabilitation Project, with J&T Excavating, LLC, for additional construction costs in the amount of \$52,600.00.
Approved.
17. Ratify a contract renewal with Alicia Trevino Realtors for real estate services in support of the Neighborhood Stabilization Program.
Ratified.
18. Receive Change Order Report from City Manager.
(CE2009-020, Annual Contract for Custom Application of Bulk Fertilizer and Purchase of Bagged Fertilizer – \$5,500.00; CE29-0970, Concrete Street, Street Lights and Water Main Rehab Project [Town East Boulevard from East Emporium Circle to Belt Line Road] – \$24,000.00 and CE1074-2009, Annual Miscellaneous Supplies, Supplemental Irrigation Parts and Controllers – \$6,500.00.)
Received.

OTHER BUSINESS

19. A. Consider passage of the following ordinances relating to the 2010-11 budget:
 - (1) An ordinance adopting revisions to the 2009-10 amended budget.
Approved by Ordinance No. 4110.
 - (2) An ordinance designating the official population of the City of Mesquite, Texas, as 139,550.
Approved by Ordinance No. 4111.
 - (3) An ordinance amending Chapter 14 of the City Code regarding residential solid waste collection rates.
Approved by Ordinance No. 4112.

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- (4) An ordinance amending Chapter 14 of the City Code regarding apartment and commercial solid waste collection rates, effective October 1, 2010.
Approved by Ordinance No. 4113.
 - (5)
 - a. An ordinance amending Chapter 16 of the City Code regarding water rates, effective October 1, 2010.
Approved by Ordinance No. 4114.
 - b. An ordinance amending Chapter 16 of the City Code regarding sewer rates, effective October 1, 2010.
Approved by Ordinance No. 4115.
 - (6) An ordinance adopting the 2010-11 General Government Pay Plan, and the Police and Fire Pay Plan, effective October 1, 2010.
Approved by Ordinance No. 4116.
- B. Consider an ordinance levying the ad valorem taxes for the year 2010.
Approved by Ordinance No. 4117.

APPOINTMENTS TO BOARDS AND COMMISSIONS

20. Consider appointment of three regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee and one member to the Capital Improvements Advisory Committee for terms to expire September 30, 2012.
Jack Akin, Place 2, and Richard Allen, Place 6, were reappointed as regular members to the Planning and Zoning Commission and Capital Improvements Advisory Committee and Donna Adams was moved from an alternate member to a regular member, Place 4, all for terms to expire September 30, 2012. Tony Franklin was reappointed to the Capital Improvements Advisory Committee for a term to expire September 30, 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. 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

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3. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
4. Robert J. Fuller and William C. Veal v. City of Mesquite, Texas – Filed 12-10-09
5. Elijah Robinson v. City of Mesquite and Johnathan Yates – Filed 8-27-10

Real Property:

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, exchange, lease or value of real property. The following subject may be discussed:

1. Discuss acquisition of property near the Mesquite Metro Airport.
Discussed.

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).