

ACTION AGENDA

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

Discuss the items on the Regular Agenda and discuss: (1) revisions to contract change order processing and reporting and (2) request from the City of Crandall regarding the release and exchange of approximately 30 acres in the extraterritorial jurisdiction.

- (1) Discussed. Council concurred with staff recommendations.
- (2) Discussed. It was Council consensus to decline the ETJ exchange request.

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.)**

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

INVOCATION

(Bruce Archer, Pastor, At the Cross Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Rachel Witcher, Baylee Newbern, Elizabeth Nguyen, fourth grade students from Kimball Elementary School.)

SPECIAL ANNOUNCEMENTS

Mayor Monaco recognized Evelyn Williams, Chairperson for Leadership Mesquite. She introduced the following participants from the 2009-10 Leadership Mesquite class that was present to observe the City Council meeting: Anastasia Lankford, Brian Abraham, David Lindsey, Jessa Thomas, Kathryn Bohling, Linda Lentz, Richard Armand, Susan Harris, Susie Court and Tammy Bendorf.

CITIZENS FORUM

None.

Agenda for City Council meeting

March 1, 2010

Page 2 of 4

PRESENTATION OF PROCLAMATION

1. Presentation of proclamation to Betty Kinder.
Mayor Monaco presented a proclamation to Betty Kinder in honor of her birthday.

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 February 15, 2010.
Approved.
3. An ordinance adopting the General Government Policies and Procedures Manual with amendments effective April 1, 2010. Approved by Ordinance No. 4078.
4. A resolution authorizing the Mayor to execute a Joint Election Agreement and Election Services contract in connection with the annual City election.
Approved by Resolution No. 07-2010.
5. A resolution appointing a representative to the Early Voting Ballot Board for the May 8, 2010, Joint Election. Approved by Resolution No. 08-2010.
6. Bid No. 2010-026 – Paddy Heights Addition Paving Rehabilitation.
(Staff recommends the City Manager be authorized to execute a contract with low bidder J&T Excavating, LLC, in the amount of \$592,832.30.) Awarded as recommended.
7. Bid No. 2010-030 – Annual Supply of Petroleum Products – Motor Oil, Automotive Grease, Gear Lubricant, Transmission Fluid and Hydraulic Oils.
(Staff recommends award to low bidder Douglas Distributing in the amount of \$73,126.08.) Awarded as recommended.
8. Bid No. 2010-049 – Annual Supply of Fire Hydrants.
(Staff recommends award to low bidder Ferguson Waterworks in the amount of \$73,535.00.) Awarded as recommended.
9. Authorize the City Manager to execute a Letter of Intent with Lincoln Financial Group to transition the City's 457 Deferred Compensation Plans to Lincoln Alliance Program. Approved.

Agenda for City Council meeting

March 1, 2010

Page 3 of 4

10. Authorize the City Manager to execute a change order to City Contract No. 2010-024, City Hall Expansion, Phase 2, Utility Improvements, with Muniz Construction, Inc., for water main realignment in the amount of \$21,140.00.
Approved.
 - A. Consider a resolution implementing the amendment to the 2008-09 Community Development Block Grant Annual Action Plan by authorizing the City Manager to acquire foreclosed properties in accordance with the Neighborhood Stabilization Program budget. **Approved by Resolution No. 09-2010.**

PUBLIC HEARING

11. A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care. **Public hearing held.**
- B. Consider an ordinance adopting the Parks and Recreation Department Youth Programs Standards of Care. **Approved by Ordinance No. 4079.**

RECEIPT OF RESIGNATION

12. Receive resignation from David Diaz as a member of the Civil Service Commission/Personnel Trial Board. **Received.**

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

Agenda for City Council meeting

March 1, 2010

Page 4 of 4

5. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
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

Discussed.

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. Acquisition of property in conjunction with the Neighborhood Stabilization Program. **Discussed. See Consent Agenda Item No. 10A for executive action taken.**

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. The following subject may be discussed:

1. The appointment of a Municipal Court Judge. **Discussed.**

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).