

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – APRIL 20, 2009**

Discuss the items on the Regular Agenda and (1) review Request for Proposals for development of City-owned property, (2) receive update regarding Marketing Division activities and (3) discuss Phase Two of the I-30 Corridor redevelopment strategy.

- (1) Discussed. It was Council consensus to direct staff to proceed with Request for Proposals for development of City-owned property.
- (2) Discussed.
- (3) Discussed. It was council consensus to direct staff to proceed with a Request for Qualifications for a consultant.

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.)**
- (3) **COMMERCIAL OR FINANCIAL INFORMATION REGARDING A BUSINESS PROSPECT OR PROJECT (See Notice of Executive Session – Economic Development for Subjects.)**

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

INVOCATION

(Phillip Dunn, Pastor, Wildwood Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Jasmine Alverio, Jessica Covarrubias and Alessandra Garcia, fourth grade students from Gray Elementary School.)

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SPECIAL ANNOUNCEMENTS

(This time is reserved for special announcements and recognition of individuals or groups.)

Mr. Noschese expressed appreciation to Jessa Thomas, Executive Director of Keep Mesquite Beautiful, Inc., and all volunteers who participated in the Trash Bash on Saturday, April 18, 2009.

The following announcement may be made:

1. Volunteers with the Mesquite Association of Retired School Employees will present the City Council with a check representing the value of their 2008 volunteer hours. **Councilmembers expressed appreciation to the volunteers for the check in the amount of \$649,058.68, representing 33,268 volunteer hours, and for their dedicated work and time serving the businesses and citizens of Mesquite.**

(There may be additional announcements related to events, recognition of birthdays, anniversaries or other special occasions.)

CITIZENS FORUM

(At this time a number of citizens not to exceed ten (10) shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three (3) minutes on a first-come, first-served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.)

Mr. Van Elam, 418 Southerland Avenue, expressed concern regarding parking in his neighborhood.

PRESENTATION OF AWARDS

1. Presentation of meritorious awards to Police Department employees.
Presented.

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 April 6, 2009.
Approved.

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3. An ordinance amending Chapter 16 of the City Code regarding the Water Conservation Plan and Drought Contingency Plan. **Approved by Ordinance No. 4043.**
4. A resolution authorizing the City Manager to execute and approve the Congestion Mitigation and Air Quality Improvement Agreement for traffic signals with the Texas Department of Transportation to design and construct a project to add a right-turn lane from southbound Gus Thomasson Road to westbound Town East Boulevard and to install a traffic signal at the intersection of Gus Thomasson Road and North Mesquite Drive. **Approved by Resolution No. 15-2009.**
5. A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State right-of-way at Scyene Road between Peachtree Road and Rodeo Drive from April 24, 2009, through April 26, 2009, for the third annual Real. Texas. Festival. commemorating the 52nd anniversary of the Mesquite Championship Rodeo. **Approved by Resolution No. 14-2009.**
6. A resolution authorizing the Mayor to execute a Municipal Maintenance Agreement with the Texas Department of Transportation. **Approved by Resolution No. 16-2009.**
7. A resolution directing publication of Notice of Intention to issue City of Mesquite, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2009. **Approved by Resolution No. 17-2009.**
8. Bid No. 2009-069 – South Mesquite Creek Sanitary Sewer Trunk Main Replacement, Phase 1 (Lawson Road Waste Water Treatment Plant to Lucas Boulevard).
(Staff recommends the City Manager be authorized to execute a contract with low bidder Wright Construction Co., Inc., in the amount of \$2,896,785.00.) **Awarded as recommended.**
9. Authorize the Mayor to execute an amendment to the Municipal Maintenance Agreement with the Texas Department of Transportation for the furnishing, installing, operation and maintenance of cameras on State highway rights-of-way to monitor compliance with traffic control signals. **Awarded as recommended.**
10. Authorize the City Manager to execute an interlocal agreement with the North Central Texas Council of Governments for a traffic signal project to upgrade and interconnect fifty-one existing traffic signals to the existing fiber optic network. **Awarded as recommended.**

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11. Receive Change Order Report from City Manager.
(CE 2008-087, Annual Supply of Tires – \$6,000.00; CE 2009-025, Casa View Heights Sidewalk Repair Project – \$14,805.00; CE 29-9130, Edgemont Park Water Main Replacement Project, Phase 4, Engineering Design – \$5,580.00; CE 2008-022, US 80 and Town East Boulevard Interchange 24-Inch Water and Sanitary Sewer Relocation – (\$30,300.00) and CE 1018-2006 – Annual Supply of Vehicle and Equipment Filters – \$3,000.00.) **Approved.**

PUBLIC HEARING

12. Conduct a public hearing for Application No. PG-2A-2009 submitted by Stephen Abraham and consider an ordinance for a zoning change to amend Planned Development No. 1424 to allow additional uses beyond those currently permitted in the Office zoning district on property presently zoned Planned Development-Commercial. This property is further described as a 5.1-acre tract located at 502 W. Kearney.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.) **Tabled until the May 4, 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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
2. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
5. 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
6. 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

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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

7. 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
8. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
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)

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.

Economic Development:

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

1. Prospects seeking to expand on North Galloway Avenue. **Discussed.**
2. To deliverate a revision to the offer of a financial or other incentive in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. **Discussed. It was Council consensus to authorize the Mayor to execute a revised Chapter 380 Agreement with Camelot Sports & Entertainment, LLC, provided that the last line of Section 4, Item a, be deleted from the agreement.**
3. To deliverate a revision to the offer of a financial or other incentive in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. **Discussed. It was Council consensus to authorize the Mayor to execute a revised Chapter 380 Agreement with First State Bank.**

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

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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).