

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – AUGUST 3, 2009**

Discuss the items on the Work and Regular Agenda.

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

CITY COUNCIL – STAFF WORK SESSION **CITY COUNCIL CHAMBER** **1:00 P.M.**

- A. Receive Investment Report for the quarter ending June 30, 2009.
Received.
- B. Receive monthly financial report for June 2009. **Received.**

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

INVOCATION

(Ed Haynes, Associate Pastor, Oates Drive Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation participants from Dunford Recreation Center.)

SPECIAL ANNOUNCEMENTS

None.

CITIZENS FORUM

None.

CITIZENS INPUT HEARING

1. Conduct a public hearing to receive input from citizens regarding the proposed 2009-10 City budget. **Public Hearing held.**

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 July 20, 2009. **Approved.**
3. RFP No. 2009-089 – Insurance Consultant and Consulting Services for Group Health Benefits.
(Staff recommends award to Holmes Murphy in the amount of \$48,000.00 and authorize the City Manager to execute all necessary documents.)
Awarded as recommended.
4. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the City of Humble to allow the purchase of goods and services. **Approved by Resolution No.25-2009.**
5. Receive semiannual report from the Capital Improvements Advisory Committee in accordance with Section 395.058 (c)(4) of the Texas Local Government Code. **Received.**
6. Receive Change Order Report from City Manager.
(CE 2009-011, Annual Supply of Construction Materials – \$1,500.00; CE 2008-069, Annual Supply of Janitorial Supplies – \$2,500.00; CE 29-9350, Evans Park Recreation Center and Senior Center Parking Lot Improvements – \$8,296.00; CE 29-9270, McWhorter Park Playground Improvements – (\$3,329.00) and CE 2009-014, Annual Supply of Police Body Armor, \$3,398.76.) **Received.**

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PUBLIC HEARINGS

7. A. Conduct a public hearing to receive input from citizens regarding the 2009-10 Community Development Block Grant Program Annual Action Plan. **Public hearing held.**
- B. Consider a resolution adopting the 2009-10 Community Development Block Grant Program Annual Action Plan, designating a Chief Executive Officer and authorizing the filing of an application in an amount not to exceed \$920,698.00 for federal funds under the Housing and Community Development Act. **Approved by Resolution No. 26-2009 with amended Exhibit "A".**

APPOINTMENT TO BOARDS AND COMMISSIONS

8. Consider appointment of one member to the Animal Control Advisory Committee for a term to expire September 8, 2010. **Valerie Bradley was appointed to the Animal Control Advisory Committee for a term to expire on September 8, 2010.**

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 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
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
5. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08

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6. 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
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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
10. Govind Group Corporation v. the City of Mesquite, Texas; the Building Standards Board of the City of Mesquite, Texas; Ron Hall, Patrick Reyes, James T. Wofford, Richard G. Walker, Jr., Cecil Mackey, Sam Motley and Glen D. Dickerson, Being the Chair and Members, Respectively, of the Building Standards Board of the City of Mesquite, Texas; Keith H. Smith, Building Official of the City of Mesquite; and Alfred Paster, Fire Code Official of the City of Mesquite, Filed – 7-20-09
11. 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)

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. Purchase of right-of-way for Pioneer Road Paving, Drainage and Utility Improvement Project. **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.

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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. Economic development incentives for a residential development near Cartwright Road and Lawson Road. **Withdrawn.**

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).