

## **ACTION AGENDA**

### **CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM** **711 NORTH GALLOWAY** **NOON – JUNE 15, 2009**

**Discuss the items on the Regular Agenda and discuss: (1) permit fees for temporary portable classrooms and (2) Energy Efficiency and Conservation Block Grant Projects.**

- 1) Discussed. It was Council consensus to waive the building permit fees for Mesquite Independent School District for portable buildings.
- 2) Discussed. Council concurred with the project list as presented.

### **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**

(Justin Houghton, Pastor of Extension Ministries, Emmanuel Pentecostal Church, Mesquite, Texas.)

#### **PLEDGE OF ALLEGIANCE**

(Mason DeCroix, Bayley DeCroix, Allyssa DeCroix and Zachary Thomson, participants in the Summer Reading Club at the Mesquite Public Library.)

#### **SPECIAL ANNOUNCEMENTS**

- 1) Mr. Forsythe expressed thanks to the Parks and Recreation Department staff for their quick response and assistance in repairing fields at the Girls' Softball Complex after the recent heavy rains in time for the State Softball Tournament to be held there this past weekend.

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- 2) Mr. Noschese thanked the Mesquite Rotary Club and many volunteers for their hard work and dedication in planning and coordinating the Rotary Bike Ride this past Saturday, June 6. Approximately 1,700 bike riders participated, raising \$50,000 for community charities and scholarships.

### CITIZENS FORUM

No one appeared.

### CITIZENS INPUT HEARING

1. Conduct a public hearing to receive input from citizens regarding the preliminary budget for the 2009-10 Community Development Block Grant Program. 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 June 1, 2009. Approved.
3. An ordinance amending Chapter 10 of the City Code regarding maintenance of nuisance premises. Approved by Ordinance No. 4053.
4. A resolution authorizing the Mayor to execute the Standard Utility Agreement Supplemental Agreement No. 2 with the Texas Department of Transportation for additional survey services in conjunction with the LBJ (Mesquite Section) Phases 2 and 2B Project in an amount of \$44,580.00. Approved by Resolution No. 20-2009.
5. Bid No. 2009-049 – Asphalt Street Reconstruction Project – 2009 (Lawson Road, Shannon Road and Lumley Road).  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Reynolds Asphalt & Construction Company in the amount of \$1,277,062.94.) Awarded as recommended.
6. Authorize the City Manager to execute an interlocal agreement with Dallas County for the reconstruction of Lawson Road from Milam Road to Mesquite's city limits northeast of Berry Road in an amount not to exceed \$797,354.79 with the City's share not to exceed \$398,677.40. Approved.

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7. Authorize the City Manager to execute an amendment to the engineering design services contract with Kimley-Horn and Associates, Inc., for additional engineering services in conjunction with the Tripp Road Paving, Drainage, Utility and Landscaping Improvement Project in the amount of \$73,176.00. **Approved.**
8. Authorize the Mayor to execute Amendment No. 2 to an agreement with AT&T Wireless (formerly Cingular Wireless) to lease antenna space at the Service Center for wireless communications equipment. **Approved with certain conditions.**
9. Receive Change Order Report from City Manager.  
(CE 2009-015, Annual Supply of Fire Protective Clothing – \$1,654.75; RFP 2009-075, Wireless Communications Trailer – \$2,182.50 and CE 28-8031, Training Facility Consultant – \$1,900.00.) **Received.**

### **PUBLIC HEARINGS**

10. Conduct a public hearing for Zoning Text Amendment No. 2009-03 and consider an ordinance amending Sections 2-603, 3-202 and 6-102 of the Mesquite Zoning Ordinance pertaining to restrictions on the use, location and appearance of donation and collection boxes or similar facilities.  
(This item was postponed at the May 4, 2009, City Council meeting.)  
**Public Hearing held. Approved by Ordinance No. 4054.**

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

11. Consider appointment of one alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2009, and one alternate member for a term to expire October 21, 2010. **Appointed Jerry Jones, Jr., for a term to expire October 21, 2009.**
- 12.
13. Consider appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms. **Greg Noschese was appointed as Mayor Pro Tem and Al Forsythe was appointed as Deputy Mayor Pro Tem to serve one-year terms.**

### **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:

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1. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
2. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
3. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
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. 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
6. 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
7. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
8. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
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)

### **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. Acceptance of property located on Carmack Street. **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.

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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).**