

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

1:00 P.M. – NOVEMBER 16, 2009

Discuss the items on the Regular Agenda and discuss construction of a hangar/maintenance facility at Mesquite Metro Airport.

Discussed.

EXECUTIVE SESSION – 1:00 P.M.

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

(Dan Aleman, Pastor, Creek Crossing Harvest Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

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

SPECIAL ANNOUNCEMENTS

- (1) Mr. Pickett announced that the 23rd Annual Christmas in the Park will be held Thursday, December 3, through Saturday, December 5, at Westlake Park from 6:00 p.m. to 9:00 p.m. and invited everyone to attend.
- (2) Mr. Porter thanked staff and volunteers who participated in the Mesquite Recycles Day at Poteet High School on Saturday, November 14. Over 1,100 vehicles delivered recycling materials to the event.

CITIZENS FORUM

No one appeared.

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PRESENTATION OF PLAQUES

1. Presentation of a plaque to Cindy Burkett in recognition of her service as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee. **Plaque was presented by Mayor Monaco.**
- 2.
3. Presentation of a plaque to Greg Noschese in recognition of his service as City Councilmember, Place 4. **Plaque was presented by Mayor Monaco.**
4. Presentation of a plaque to Ginny Stuit in recognition of her service as a member of the Planning and Zoning Commission/Capital Improvements Advisory Committee. **Plaque was presented by Mayor Monaco.**

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.)

5. Minutes of the regular City Council meeting held November 2, 2009. **Approved.**
6. Bid No. 2010-028 – Purchase of 6-Inch and 8-Inch Class – 200, DR-14 PVC Water Pipe and Supplies.
(Staff recommends award to low bidder Municipal Water Works Supply, LP in the amount of \$94,974.87.) **Awarded as recommended.**
7. Bid No. 2010-041 – Purchase of Three Four-Door Sedans.
(Staff recommends award to Dallas Dodge in Dallas, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program in the amount of \$55,155.00.) **Awarded as recommended.**
8. Authorize the City Manager to execute a Customer Service Agreement with the Texas Department of Information Resources and Texas NICUSA, LLC, for website development and hosting through the TexasOnline 2.0 Master Development Agreement. **Approved.**
9. Authorize the Mayor to execute an Interlocal Cooperation Agreement with the Texas Department of Public Safety for aircraft hangar space at the Mesquite Metro Airport. **Approved.**
10. Authorize the City Manager to execute Amendment No. 1 to the contract with Lee Lewis Construction, Inc., for RFQ No. 2009-013, Construction Manager-at-Risk Services for the City Hall/Municipal Court Project. **Approved.**

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11. Authorize the City Manager to execute Amendment No. 2 with C&P Engineering, LTD, for additional engineering services in conjunction with the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Traffic Signals Improvement Project in the amount of \$16,150.00. **Approved.**
12. Authorize the City Manager to execute Change Order No. 3 to City Contract No. 2009-069 with Wright Construction Co. Inc., in conjunction with the South Mesquite Creek Sanitary Sewer Trunk Main Replacement, Phase 1 (Lawson Road Waste Water Treatment Plant to Lucas Boulevard) in the amount of \$505,495.00. **Approved.**
13. Receive Change Order Report from City Manager.
(CE 2009-111, Evans Community Center Flooring – (\$1,297.50); CE 29-0970, Concrete Street, Street Lights and Water Main Rehab Project (Town East Boulevard) – \$21,680.95; CE 29-9350, Evans Park Recreation Center and Senior Center Parking Improvements – \$3,651.25; CE 2009-049, Asphalt Street Reconstruction Project (Lawson, Shannon and Lumley Roads) – \$14,679.05; Bid No. 2009-101/CE 29-9380, Carpet Replacement at Conference Center and Exhibit Hall – \$5,142.40.) **Received.**

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS

14. Receive resignation from Robert Murdock as a member of the Mesquite Housing Board. **Resignation accepted.**
15. Consider appointment of four members to the Mesquite Housing Board for terms to expire December 3, 2010. **Tammy Hintz, Betty Leonardo, Randy Murray and Charles Bryant were reappointed as members of the Mesquite Housing Board for terms to expire December 3, 2010.**
16. Consider appointment of three regular members to the Municipal Library Advisory Board for terms to expire December 4, 2011. **Sandra Eckstein and Sonya Hervey were reappointed as regular members of the Municipal Library Advisory Board and Richard Larson was moved from an alternate member to a regular member for terms to expire December 4, 2011.**
17. Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on December 1, 2009, at 10:30 a.m. **Councilmembers Shirley Roberts and Stan Pickett were appointed to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held December 1, 2009, at 10:30 a.m.**

Adjournment.

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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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
7. 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
8. 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

The City Council of the City of Mesquite will recess into Executive Session (Closed Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to discuss the following:

- A. In accordance with Texas Government Code, Sections 551.071(2), consultation with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice involving Falcon’s Lair Development.

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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).