

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

NOON – DECEMBER 21, 2009

Discuss the items on the Regular Agenda and discuss: (1) Fire Department Training Facility Master Plan and (2) development standards regarding City-owned property.

- (1) Discussed. It was Council consensus to include this project in future budget discussions.
- (2) Discussed. Council concurred with staff recommendations regarding the sealed bid process.

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

(Dr. W.R. Willis, Pastor, Calvary Temple Community Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation participants from Evans Senior Citizens Center.)

SPECIAL ANNOUNCEMENTS

- (1) Mr. Tarpley wished everyone a Merry Christmas and joyous New Year.
- (2) Mayor Pro Tem Forsythe recognized Boy Scouts Gabriel Holzapfel, Garrett Hallstron, Forrest Hallstron and Luke Saroni from Troop 437 who are working on their Citizenship in the Community badge.

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CITIZENS FORUM

No one appeared.

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.)

1. Minutes of the regular City Council meeting held December 7, 2009.
Approved.
2. Bid No. 2010-025 – Annual TxDOT IH 635/IH 30/Highway 80 Corridor Maintenance Contract.
(Staff recommends the City Manager to be authorized to execute a contract with low bidder 4-D Property Maintenance in the amount of \$211,204.73.)
Awarded as recommended.
3. RFP No. 2010-032 – Financial Advisory Services.
(Authorize the City Manager to execute a contract with First Southwest.)
Awarded as recommended.
4. Authorize the City Manager to execute Change Order No. 6 to City Contract No. CE 27-72100 (RFQ No. 2005-087) with Lee Lewis Construction in conjunction with the Mesquite Police Building Project in the amount of \$77,401.35. Approved.
5. Authorize the City Manager to execute Change Order No. 3 to Bid No. 2009-094, Annual Supply of Tires, to annul Item Nos. 5, 11, 13, 17, 20, 24, 28, 30 and 33, to A to Z Tire and to re-award Bid No. 2009-094, Annual Supply of Tires, Item Nos. 5, 17 and 24 to Car Concepts dba Blagg Tire & Service in the amount of \$9,288.86, Item Nos. 11, 20 and 33 to Southern Tire Mart in the amount of \$17,777.00 and Item Nos. 13, 28 and 30 to Bill Williams Tire in the amount of \$2,724.42 for a total increased bid amount of \$2,622.28. Approved.
6. Receive Change Order Report from City Manager.
(CE 28-8030, Purchase and Installation of Radio Communications Tower at New Police Building – \$1,062.00; CE 29-1020, City Lake Park – Concrete Bag Wall Shoreline/Erosion Control, Final Phase – \$11,313.00; PO 910004, Nature Trail for Opal Lawrence Historical Park Outdoor Classroom – \$1,292.00; I089-2008, Annual Purchase of Regulatory Signs – \$1,376.00.) Received.
7. Appoint Cecil Mackey, Sam Motley, Glenn D. Dickerson and Ron Hall as regular members and Joe E. Smith as an alternate member to the Building Standards Board for terms to expire January 1, 2012. Appointed.

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8. Appoint John Monaco, Bill Porter, Al Forsythe, Stan Pickett, Shirley Roberts and Dennis Tarpley to the Mesquite Health Facilities Development Corporation for terms to expire December 31, 2011. **Appointed.**
9. Appoint John Monaco, Bill Porter, Al Forsythe, Stan Pickett, Shirley Roberts and Dennis Tarpley to the Mesquite Housing Finance Corporation for terms to expire December 31, 2011. **Appointed.**
10. Appoint John Monaco as Chairperson for the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors to serve a one-year term beginning January 1, 2010. **Appointed.**
11. Appoint Shirley Roberts as Chairperson for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors to serve a one-year term beginning January 1, 2010. **Appointed.**
12. Appoint John Monaco as Chairperson for the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors to serve a one-year term beginning January 1, 2010. **Appointed.**
13. Appoint John Monaco as Chairperson for the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six Board of Directors to serve a one-year term beginning January 1, 2010. **Appointed.**

PUBLIC HEARING

14. Conduct a public hearing to consider creation of Reinvestment Zone No. 20 for Tax Abatement for property located on Emporium Square. **Postponed indefinitely.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

15. Consider appointment of one regular member and one alternate member to the Board of Adjustment for terms to expire January 1, 2012. **Duddy Hargrove was moved from alternate member to regular member on the Board of Adjustment for a term to expire January 1, 2012.**
16. Consider appointment of one member to the Automated Traffic Signal Enforcement Advisory Committee for a term to expire January 1, 2011. **Postponed until the January 4, 2010, City Council Meeting.**

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17. Consider appointment of one member to the Keep Mesquite Beautiful, Inc., Board of Directors for a term to expire December 31, 2010, one member for a term to expire December 31, 2011, and two members for terms to expire December 31, 2012. Karen Hunt was reappointed as a member of the Keep Mesquite Beautiful, Inc., Board of Directors for a term to expire December 31, 2012, Angel Gregory was appointed for a term to expire December 31, 2010 and Terri White was appointed for a term to expire December 31, 2011.
18. Consider appointment of one regular member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire September 30, 2011, and two alternate members for terms to expire December 21, 2011. Larry Allen was appointed as a regular member of the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire September 30, 2011.

PRESENTATION OF PLAQUE

19. Presentation of a plaque to Richard Davis in recognition of his service as a member of the Parks and Recreation Advisory Board/Tree Board. Mr. Davis was not present to receive his plaque.

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. 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

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- 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
 9. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
 10. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

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 located in El Tierra Estates No. 1. **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.

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).