

## **ACTION AGENDA**

### **CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM** **711 NORTH GALLOWAY** **NOON – MARCH 15, 2010**

**Discuss the items on the Regular Agenda and discuss: (1) Fire Department apparatus replacement schedule and (2) participation in the Dallas County Scofflaw Program and receive: (3) briefing regarding rail served development in Sunnyvale and (4) update regarding projects impacting Lawson Road.**

- (1) Discussed. It was Council consensus to authorize the Fire Department to accelerate the replacement of a fire engine by one year (from the 2010-11 budget to the current years' amended budget) and to accelerate the next two replacement engines by one year.
- (2) Discussed. Council directed staff to place an item for consideration on a future agenda to participate in the Dallas County Scofflaw Program.
- (3) Discussed.
- (4) Discussed. Council directed staff to prepare a resolution for consideration on a future agenda to rescind its support for the Lawson Road alignment, therefore freeing the City to negotiate with Dallas Water Utilities regarding its right-of-way needs along Lawson Road.

### **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.)**

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

#### **INVOCATION**

(Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.)

#### **PLEDGE OF ALLEGIANCE**

(Recreation participants from Spring Break Camp.)

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### SPECIAL ANNOUNCEMENTS

Ms. Roberts announced that according to the Mesquite Convention and Visitors Bureau, five conventions were held in Mesquite in February and March with approximately 5,000 attendees and 156 volunteers being utilized. Several of these organizations are already making plans to return to Mesquite for future conventions. The Council thanked Jeann Wisenbaker for her efforts in recruiting volunteers for these events.

### CITIZENS FORUM

None.

### APPOINTMENT FOR PERSONAL APPEARANCE

1. Appointment – Jeann Wisenbaker, President, Mesquite Quality of Life Corporation.  
(Ms. Wisenbaker will present the Board's annual report.) **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 March 1, 2010, and the Special City Council meetings held February 26, 2010, and March 8, 2010. **Approved.**
3. An ordinance providing for the abandonment of a segment of a 15-foot-wide sanitary sewer easement located at 700 Gross Road and associated with the completed construction of a new sanitary sewer main. **Approved by Ordinance No. 4080.**
4. An ordinance revising the processing and reporting of certain change orders on contracts and authorizing the City Manager to approve certain change orders on contracts. **Approved by Ordinance No. 4081.**
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 along a portion of Main Street and Davis Street between North Florence Street and Carmack Street in conjunction with the Exchange Club of Mesquite Rodeo Parade activities on Saturday, March 27, 2010. **Approved by Resolution No. 10-2010.**

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6. Bid No. 2010-058 – Purchase of Two 19-Passenger Low-Floor Cut-Away Chassis Type Buses.  
(Staff recommends award to National Bus Sales in Justin, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program in the amount of \$246,050.32.) **Awarded as recommended.**
7. Bid No. 2010-061 – Purchase of ENCOM Broadband Wireless Radio System.  
(Staff recommends award to Texas Highway Products, Ltd., through the Texas Department of Transportation Open Market Purchase Order 6-1348 in the amount of \$87,400.00.) **Awarded as recommended.**
8. Authorize the City Manager to execute a Contract of Sale, Sellers Temporary Residential Lease and all necessary documents related to the acquisition of property located at 1036 Darnel Lane for flood mitigation. **Approved.**
9. Authorize the City Manager to release funds associated with the production of the 2010 Real. Texas. Festival. **Approved.**
10. Receive Change Order Report from City Manager.  
(CE 29-0970, Concrete Street, Street Lights and Water Main Rehab Project (Town East Blvd.) – \$23,460.00; CE I106-2008, Annual Supply of Freon R-22 – \$420.00 and CE I038-2010, Annual Purchase of Epson GS6000 Plotter Supplies – \$19.77.) **Received.**

### OTHER BUSINESS

11. Consider scheduling a special City Council meeting to canvass the returns for the May 8, 2010, General Election. **Meeting scheduled to be held May 19, 2010, at 9:00 a.m.**
12. Consider appointment to fill the Municipal Court Judge position created by the retirement of Judge David Rosen, effective April 1, 2010. **Stephen Crane was appointed as Municipal Court Judge, effective April 1, 2010.**

### APPOINTMENT TO BOARDS AND COMMISSIONS

13. Consider appointment of one regular member to the Board of Adjustment for a term to expire January 1, 2012. **David Fitzgerald was moved from alternate member to regular member on the Board of Adjustment for a term to expire January 1, 2012.**

**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. 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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
6. 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
7. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
8. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

**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).**