

## **ACTION AGENDA**

### **CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**

#### **711 NORTH GALLOWAY**

**1:00 P.M. – OCTOBER 4, 2010**

#### **Discuss the items on the Work and Regular Agenda and discuss:**

- (1) Rules and regulations regarding Parks and Recreation reservation facilities.  
Discussed. It was Council consensus to permit toasting with alcohol at the Lakeside Activity Center and Goodbar Recreation Center.
- (2) Keep Mesquite Beautiful, Inc., Sign Project. Discussed. It was Council consensus to approve the Keep Mesquite Beautiful, Inc., sign project.
- (3) State Highway 161 Regional Toll Revenue Project funding opportunities. Discussed. Council directed staff to propose three projects to the Regional Transportation Council – (1) complete northbound I-635 to eastbound US Highway 80 ramp and reconfigure eastbound North Galloway exit ramp; (2) Northwest Drive widening from LaPrada to IH 30 and (3) Bruton Road widening from western city limit to IH 635.

### **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.)**

### **CITY COUNCIL – STAFF WORK SESSION**

#### **CITY COUNCIL CHAMBER**

**1:30 P.M.**

- A. Receive annual report from the Mesquite Arts Council. **Received.**
- B. Receive monthly financial report for August 2010. **Received.**

### **REGULAR CITY COUNCIL MEETING**

#### **CITY COUNCIL CHAMBER**

**3:00 P.M.**

### **INVOCATION**

(Chad Flowers, Youth Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.)

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### **PLEDGE OF ALLEGIANCE**

(Gail Pagerly, member of the Mesquite Historical and Genealogical Society, Mesquite Public Library volunteers Judy Womack and Tom Brown and Library patron John Reichter.)

### **SPECIAL ANNOUNCEMENTS**

- (1) Ms. Roberts announced the Creek Crossing Crime Watch will be hosting its annual National Night Out at The Crossing Baptist Church on Tuesday, October 5 and invited citizens to attend.
- (2) Ms. Roberts announced the fifth annual Addressing Mesquite Day will be held on Saturday, October 9. The kickoff will begin at 7:45 a.m. at Poteet High School. Volunteers will help to clean up neighborhoods and assist residents with home improvement projects.
- (3) Ms. Roberts announced that the annual Mesquite Pumpkinfest will be held on Saturday, October 16 at City Lake Park and invited citizens to attend.

### **CITIZENS FORUM**

Ron Newman expressed concern regarding juvenile and afterhour's activities at Kimball School Park.

### **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 September 20, 2010. **Approved with changes.**
2. Bid No. 2010-056 – Northridge Addition Sanitary Sewer Replacement, Phase 3 and 12-inch Water Main Replacement along US Highway 80.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Utilitex Construction, LLP, in the amount of \$1,348,041.80.) **Awarded as recommended.**
3. Authorize the City Manager to execute a Park Use Permit with Old Town Mesquite, Inc., for the 2010 Pumpkin Fest to be held Saturday, October 16, 2010, at City Lake Park. **Approved.**

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4. Authorize the City Manager to execute an Authorization Letter with North Central Texas Council of Governments (NCTCOG) for the Regional Storm Water Management Program to provide FY 2010-11 Administrative and Implementation Assistance in compliance with the Texas Pollution Discharge Elimination System (TPDES) Storm Water Discharge Permit in an amount not to exceed \$6,301.00. **Approved.**
5. Authorize the City Manager to execute an engineering design contract with Freese and Nichols, Inc., for design of replacement overflow piping, preparation of an Emergency Action Plan and Operation and Maintenance Manual and administrative assistance in preparation of a water rights permit for the Palos Verdes Lake and Dam in the amount of \$61,500.00. **Approved.**
6. Authorize the City Manager to execute an engineering design contract with Freese and Nichols, Inc., for Hydrology and Hydraulic analysis of the dam and lake including a dam breach analysis, preparation of an Emergency Action Plan and Operation and Maintenance Manual and administrative assistance in preparation of a water rights permit for the City Lake Park Lake and Dam in the amount of \$63,800.00. **Approved.**
7. Approve a Memorandum of Understanding with the Texas Department of Public Safety for testing and prototyping the rapid search of the Repository for Individuals of Special Concern (RISC) and authorize the Chief of Police to execute the document. **Approved.**

### **APPOINTMENT TO BOARDS AND COMMISSIONS**

8. Consider appointment of one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire October 4, 2012. **N.N. Dharmarajan was appointed as an alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire October 4, 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 Mesquite v. Roger Lawler – Filed 10-12-09
3. 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

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- Corporation dba "The Ice at Stonebriar," Filed – 10-26-09
4. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
  5. Robert J. Fuller and William C. Veal v. City of Mesquite, Texas – Filed 12-10-09
  6. Elijah Robinson v. City of Mesquite and Johnathan Yates – Filed 8-27-10

### **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).**