

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

NOON – SEPTEMBER 8, 2009

Discuss the items on the Regular Agenda and receive briefing regarding audio-visual and technology enhancements in new City Hall project.

Discussed. Council expressed interest in providing streaming video of City Council meetings held in the new City Hall facility. Staff was directed to pursue this technology.

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.)**
- (3) **COMMERCIAL OR FINANCIAL INFORMATION REGARDING A BUSINESS PROSPECT OR PROJECT (See Notice of Executive Session – Economic Development for Subjects.)**

REGULAR CITY COUNCIL MEETING

CITY COUNCIL CHAMBER

3:00 P.M.

INVOCATION

(Jerry Minx, Minister of Pastoral Care, Lake Pointe Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation After School Program participants from Thompson Gym.)

SPECIAL ANNOUNCEMENTS

None.

CITIZENS FORUM

James Darr, 4118 Ocean Reef, expressed concern regarding unwanted newspaper publications littering yards in his neighborhood.

Agenda for City Council meeting

September 8, 2009

Page 2 of 6

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 August 17, 2009.
Approved.
2. An ordinance adopting revisions to the 2008-09 amended budget.
Approved by Ordinance No. 4058.
3. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the Tarrant County to allow the purchase of goods and services. Approved by Resolution No. 31-2009.
4. A resolution authorizing the City Manager to execute an Airport Project Participation Agreement and all supporting documents with the Texas Department of Transportation for airport improvements to the Mesquite Metro Airport in the amount of \$83,450.00. Approved by Resolution No. 32-2009.
5. Bid No. 2009-114 – Employee Scheduling Software for Public Safety.
(Staff recommends award to SHI-Government Solutions, through the Texas Department of Information Resources, in the amount of \$130,000.00.)
Awarded as recommended.
6. Bid No. 2009-115 – Purchase of CrimeView Server and Omega Dashboard.
(Staff recommends award to sole source provider The Omega Group in an amount not to exceed \$62,960.00.) Awarded as recommended.
7. Authorize the annulment of Bid No. 2009-094, Annual Supply of Tires, Item No. 25, to Blagg Tire & Service and re-award Bid No. 2009-094, Annual Supply of Tires, Item No. 25, to next low bidder Southern Tire Mart, in the amount of \$31,689.00. Awarded as recommended.
8. Consider appointment of Dr. Jessie Doyal as the Coordinating Physician for the Mesquite Public Health Clinic for a one-year term to expire September 30, 2010. Appointed.

Agenda for City Council meeting

September 8, 2009

Page 3 of 6

PUBLIC HEARINGS

9. A. Conduct a public hearing to receive input from citizens regarding the proposed 2009-10 City budget. Public hearing held.
- B. Consider an ordinance approving the budget for fiscal year 2009-10 and appropriating the necessary funds for the maintenance and operation of the City and for activities and improvements as set forth in the budget. Postponed until the September 21, 2009, City Council meeting.
10. A. Conduct a public hearing to consider a program with Continental Foods, Inc. to promote economic development and stimulate business and commercial activity in conjunction with property located at the southeast corner of US Highway 80 and Belt Line Road.
(This item was postponed at the August 17, 2009, City Council meeting.) Public hearing held.
- B. Consider approving the terms and conditions of a program with Continental Foods, Inc. to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located at the southeast corner of US Highway 80 and Belt Line Road.
(This item was postponed at the August 17, 2009, City Council meeting.) Approved as recommended.
11. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2009-4 amending Section 5-400 of the Mesquite Zoning Ordinance pertaining to attendance requirements for the Board of Adjustment.
(The Planning and Zoning Commission recommends approval of the application.) Public hearing held. Approved by Ordinance No. 4059.
12. Conduct a public hearing for Application No. 342-14B-2009, submitted by Daryl Quigley, Texas Lifeline Corporation, for a zoning change from Commercial – Military Parkway/Scyene Corridor Overlay to Commercial Military Parkway/Scyene Corridor Overlay with a Conditional Use Permit to allow the property to be used for ambulance and dispatch services. This property is further described as a 5,200-square-foot lease space, located at 1210 West Scyene Road, Suite D.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends denial of the application.) Public hearing held. Approved with certain stipulations.

APPOINTMENTS TO BOARDS AND COMMISSIONS

13. Consider appointment of seven members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2011. Evelyn Williams, Nadine Ward, Diane Wright, Jeann Wisenbaker, Bill Avera, Brad Hanley and Shirley Roberts were reappointed for terms to expire August 19, 2011.
14. Consider appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem to serve until the May 8, 2010, General Election. Al Forsythe was appointed as Mayor Pro Tem and Bill Porter was appointed as Deputy Mayor Pro Tem to serve until the May 8, 2010, General Election.

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 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. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
5. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
6. 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
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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09

Agenda for City Council meeting

September 8, 2009

Page 5 of 6

9. 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
10. 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)

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. The following matter will be discussed:

1. Discuss election of a qualified candidate to serve in the City Council, Place 4 position until the next regular municipal election.
Discussed. Shirley Roberts was elected to serve in the City Council, Place 4 position until the next regular municipal election.

Economic Development:

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

1. Economic development incentives for a residential development near Cartwright Road and Lawson Road.
Discussed.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

Agenda for City Council meeting

September 8, 2009

Page 6 of 6

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).