

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

NOON – AUGUST 17, 2009

Discuss the items on the Work and Regular Agenda and receive: (1) update regarding transit service and (2) briefing regarding rail served development in Sunnyvale.

(1) Discussed. Council directed staff to arrange a meeting with Dallas Area Rapid Transit (DART) Executive Director Gary Thomas, DART staff and City officials to discuss how best to accomplish Mesquite's transit priorities.

(2) Discussed.

Council directed staff to revise the contract term for Consent Agenda Item No. 8, RFP No. 2009-054 – Annual Contract for Veterinary Services, to reflect the contract term stated in the bid specifications which is a one-year contract with two one-year renewal options.

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

CITY COUNCIL – STAFF WORK SESSION

CITY COUNCIL CHAMBER

1:00 P.M.

- A. Review the Mesquite Quality of Life Corporation budget for fiscal year 2009-10. (Consent Item No. 6) **Reviewed.**

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

INVOCATION

(Rodger Edwards, Minister, New Hope Church of Christ.)

PLEDGE OF ALLEGIANCE

(Recreation participants from Evans, Goodbar and Rutherford Senior Citizens Centers.)

SPECIAL ANNOUNCEMENTS

(1) Mr. Noschese asked to reserve five minutes at the end of the Council meeting for a special announcement.

(2) Mayor Monaco recognized Boy Scouts Julian Christenson, Stephen Taylor, John Molina and Greg Taylor, Troop 865, and Peter Addy, Troop No. 102, who are working on merit badges.

CITIZENS FORUM

None.

APPOINTMENT FOR PERSONAL APPEARANCE

1. Appointment – Phillip Willis, 1300 Choctaw, Mesquite.
(Mr. Willis will discuss issues related to truck noise along Town East Boulevard from Skyline Road and Forney Road.) Council directed the Traffic Engineering and City Attorney staff to meet and review the materials submitted and report their findings at the September 8, 2009, City Council Meeting.

CITIZENS INPUT HEARING

2. A. Conduct a public hearing to receive input regarding the juvenile curfew ordinance. Public hearing held.
- B. Consider a resolution continuing the juvenile curfew ordinance.
Approved by Resolution No. 27-2009.

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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.)

3. Minutes of the regular City Council meeting held August 3, 2009.
Approved.
4. An ordinance amending Chapter 4 of the City Code regarding animal adoption policies. **Approved by Ordinance No. 4057.**
5. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the City of Hurst to allow the purchase of goods and services. **Approved by Resolution No. 28-2009.**
6. A resolution approving the Mesquite Quality of Life Corporation budget for fiscal year 2009-10. **Approved by Resolution No. 29-2009.**
7. A resolution authorizing the City Manager to execute Amendment No. 2 to an Interlocal Agreement with Dallas County in conjunction with the Dallas Area Household Hazardous Waste Network for fiscal year 2009-10 in an amount not to exceed \$80,855.00. **Approved by Resolution No. 30-2009.**
8. RFP No. 2009-054 – Annual Contract for Veterinary Services.
(Staff recommends the City Manager be authorized to execute a contract with Kaufman County Animal Awareness Project.) **Awarded per Council direction given during Pre-meeting.**
9. Bid No. 2009-110 – Evans Community Center Upgrades.
(Staff recommends the City Manager be authorized to execute a contract with Concord Commercial Services, Inc., through Bid No. 2008-092, Time and Materials, in an amount not to exceed \$314,840.00.) **Awarded as recommended.**
10. Bid No. 2009-111 – Evans Community Center Flooring.
(Staff recommends the City Manager be authorized to execute a contract with Spectra Contract Flooring, Inc., through Texas Multiple Award Schedule (TxMAS), an alternative purchasing method of the Texas Procurement and Support Services (TPASS), in the amount of \$91,493.24.) **Awarded as recommended.**
11. Authorize the annulment of Bid No. 2009-091, Group 5, Item No. 42, to Henry Schein Martx Medical and re-award Bid No. 2009-091, Group 5, Item No. 42, to sole source provider BoundTree Medical in the amount of \$1,608.00. **Approved.**

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12. Authorize the City Manager to execute a change order with Dallas County Institute of Forensic Science for maintenance and repairs of the intoxilyzer device in the amount of \$2,710.00. **Approved.**
13. Authorize the City Manager to execute a change order with Sunbeam Foods, Inc. for the purchase of sandwiches and chips Mesquite Police detention facility prisoners in the amount of \$4,800.00. **Approved.**
14. Authorize the City Manager to execute Change Order No. 3 to City Contract No. 2009-076, Park Improvements at Evans Recreation Center and Evans Park Senior Center, with J. T. Turner, Inc., for additional grading and drainage improvements in the amount of \$32,500.00. **Approved.**
15. Receive Change Order Report from City Manager.
(CE 1054-2009, Annual Supply of Emergency Medical Drugs – \$796.50;
CE 1004-2008, Annual Supply of 92” IV Administration Sets – \$231.00 and
CE 1122-2008, Annual Supply of Small Tools – \$5,000.00.) **Received.**

PUBLIC HEARING

16. A. Conduct a public hearing to consider a program with Food Service Concepts, 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. **Postponed until the September 8, 2009, City Council Meeting.**
17. B. Consider approving the terms and conditions of a program with Food Service Concepts, 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. **Postponed until the September 8, 2009, City Council Meeting.**

SPECIAL ANNOUNCEMENT

(1) Councilmember Noschese announced that he was resigning as Councilmember effective today to run for the office of Texas House of Representatives, District 101. He expressed appreciation to the Council, citizens and his family for their support.

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
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)

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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 near Mesquite Metro Airport. **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.

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 an office development located at Towne Centre Drive and IH 635. **Discussed.**
2. Economic development incentives for a medical building expansion located on North Galloway Avenue. **Discussed.**
3. 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.

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).