

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.

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)

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

INVOCATION

(Roger Woods, Pastor, New Hope Church of Christ.)

PLEDGE OF ALLEGIANCE

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

Agenda for City Council meeting

August 17, 2009

Page 2 of 6

SPECIAL ANNOUNCEMENTS

(This time is reserved for special announcements and recognition of individuals or groups.)

CITIZENS FORUM

(At this time a number of citizens not to exceed ten (10) shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three (3) minutes on a first-come, first-served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.)

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.)

CITIZENS INPUT HEARING

2. A. Conduct a public hearing to receive input regarding the juvenile curfew ordinance.

B. Consider a resolution continuing the juvenile curfew ordinance.

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.
4. An ordinance amending Chapter 4 of the City Code regarding animal adoption policies.
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.
6. A resolution approving the Mesquite Quality of Life Corporation budget for fiscal year 2009-10.

Agenda for City Council meeting

August 17, 2009

Page 3 of 6

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.
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.)
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.)
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.)
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.
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.
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.
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.
15. Receive Change Order Report from City Manager.
(CE I054-2009, Annual Supply of Emergency Medical Drugs – \$796.50; CE I004-2008, Annual Supply of 92” IV Administration Sets – \$231.00 and CE I122-2008, Annual Supply of Small Tools – \$5,000.00.)

Agenda for City Council meeting

August 17, 2009

Page 4 of 6

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.
- 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.

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. 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

Agenda for City Council meeting

August 17, 2009

Page 5 of 6

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)

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.

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.
2. Economic development incentives for a medical building expansion located on North Galloway Avenue.
3. Economic development incentives for a residential development near Cartwright Road and Lawson Road.

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

August 17, 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).