

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – AUGUST 4, 2008

Discuss the items on the Work and Regular Agenda and discuss proposed changes to the Mesquite Arts Center Reservation and Rental Agreement.

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.)**

CITY COUNCIL- STAFF WORK SESSION
CITY COUNCIL CHAMBER
1:00 P.M.

- A. Receive monthly financial report for June 2008.
- B. Receive Investment Report for the quarter ending June 30, 2008.
- C. Review the Mesquite Quality of Life Corporation budget for fiscal year 2008-09. (Consent Item No. 8)

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

INVOCATION

(Richard Flowers, Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Callie Simon, Joy Simon, Cadee Dunlap, and Jackie Ochieng, participants in the Summer Reading Club at the Mesquite Public Library.)

Agenda for City Council meeting

August 4, 2008

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 – Timothy Turner, 615 Warren Street.
(Mr. Turner will discuss environmental code and automated traffic signal enforcement issues.)

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 July 21, 2008.
3. An ordinance amending Chapter 10 of the City Code regarding landscape maintenance.
4. An ordinance abandoning a portion of a 15-foot-wide sanitary sewer easement in conjunction with expansion of the Pepsico Bottling Facility located at IH 30 and Big Town Boulevard.
5. An ordinance amending Section 1-16 of the City Code regarding ambulance user fees effective August 11, 2008.
6. A resolution authorizing the Mayor to execute a Quit Claim Deed with the Texas Department of Transportation abandoning a sanitary sewer easement located near the U.S. Highway 80 frontage road and Bamboo Street, further described as Tract 2 of an easement purchased on February 7, 2000, from Intercity Investment Properties, Inc.

Agenda for City Council meeting

August 4, 2008

Page 3 of 6

7. A resolution suspending the effective date of the rate increase request filed by Oncor Electric Delivery Company for 90 days and approving cooperation with Oncor Cities Steering Committee to hire legal and consulting services and to direct any necessary litigation and appeals.
8. A resolution approving the Mesquite Quality of Life Corporation budget for fiscal year 2008-09.
9. Bid No. 2008-065 – Faithon P. Lucas, Sr., Boulevard Relocations at South Mesquite Creek.
(Staff recommends the City Manager be authorized to execute a contract with low bidder P.E.T. Construction, Inc., in the amount of \$520,171.50.)
10. Bid No. 2008-087 – Annual Supply of Tires.
(Staff recommends award to low bidders Gray's Wholesale Tires - \$142,319.19; Wingfoot Commercial Tire Systems, LLC - \$32,605.39; A to Z Tire Battery, Inc. - \$19,602.64; Southern Tire Mart - \$18,559.80 and Plano Tire Company - \$326.16 for a total amount of \$213,413.17.)
11. Bid No. 2008-100 – Four Police Pursuit Vehicles.
(Staff recommends award to Dallas Dodge through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program in the amount of \$85,908.00.)
12. Authorize the Mayor to execute a non-binding agreement to join Air North Texas through the Regional Transportation Council.
13. Authorize the City Manager to execute an amendment to an engineering design services contract with Wilson & Company for additional engineering and surveying services in conjunction with the Driftwood Drive Extension Project in the amount of \$17,205.50.
14. Authorize the City Manager to execute a professional services agreement with Kasner & Associates for analysis of sales tax receipts.

PUBLIC HEARINGS

15. A. Conduct a public hearing to receive input from citizens regarding the 2008-09 Community Development Block Grant Program Annual Action Plan.
- B. Consider a resolution adopting the 2008-09 Community Development Block Grant Program Annual Action Plan, designating a Chief Executive Officer and authorizing the filing of an application under the Housing and Community Development Act.

Agenda for City Council meeting

August 4, 2008

Page 4 of 6

16. Conduct a public hearing and consider an ordinance amending the Mesquite Comprehensive Plan to include an element for the extraterritorial jurisdiction.
(This item was postponed at the July 21, 2008, City Council meeting.)
17. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2008-4 amending Section 2-600 of the Mesquite Zoning Ordinance creating new regulations governing the height, size, placement, exterior materials and other construction standards for residential accessory structures.
(This item was postponed at the July 21, 2008, City Council meeting.)
18. A. Conduct a public hearing to consider amending Article III, Section E(8) of the Mesquite Subdivision Ordinance regarding engineering inspection fees.
B. Consider an ordinance amending Article III, Section E(8) of the Mesquite Subdivision Ordinance regarding engineering inspection fees.

RECEIPT OF RESIGNATIONS AND APPOINTMENTS TO BOARDS AND COMMISSIONS

19. Receive resignation from Elaine Presby as a member of the Keep Mesquite Beautiful, Inc., Board of Directors.
20. Receive resignation from William Richardson as a member of the Mesquite Quality of Life Corporation Board of Directors.
21. Consider appointment of one alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2008, and one alternate member for a term to expire October 21, 2009.
22. Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2009.

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:

Agenda for City Council meeting

August 4, 2008

Page 5 of 6

1. Kathryn Blair, Individually and as Administrator of the Estate of Michael K. Wright and Hal Wright, Individually v. Alfonso Cardenas, M.C.; Mesquite Community Hospital n/k/a Dallas Regional Medical Center; Don Conn; Mesquite Police Department; City of Mesquite; Officer R. D. Parker; AEP-EMCARE Medical Group, Inc. and G. Kelly, R.N. – Filed 1-25-08
2. Brenita S. Dunn v. Connie S. Evans and the City of Mesquite – MTED – Filed 2-6-08
3. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
4. Karen Fernanders, Individually and as Next Friend of Kaland Fernanders v. Rochelle Renea Moore, Individually and as Next Friend of LaMarcus Lynn Allen Moore and/or LaMarcus Lynn Allen Moore, Individually and City of Mesquite – Filed 12-21-07
5. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
6. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
7. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
8. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
9. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
10. Johnny Spencer v. City of Mesquite – Filed 2-6-07
11. 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 vs. 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

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council may 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 other City 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.

Agenda for City Council meeting

August 4, 2008

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).