

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – SEPTEMBER 2, 2008

Discuss the items on the Work and Regular Agenda and discuss: (1) City Council goals, (2) proposed amendments to the Mesquite Zoning Ordinance regarding home occupations, (3) weed and grass billing and collections and (4) contract negotiations with Allied Waste.

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.)**

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

- A. A representative from Oncor Electric Delivery will discuss their upcoming tree trimming project.

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

INVOCATION

(Jim Burt, Pastor, Oates Drive Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation After School Program participants from Goodbar Recreation Center.)

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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.)

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 18, 2008.
2. An ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division, regarding the company's rate review filing; declaring existing rates to be unreasonable and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement, effective October 1, 2008.
3. An ordinance amending Chapter 9 of the City Code prohibiting the use of handheld mobile telephones in school zones effective October 1, 2008.
4. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the Harris County Department of Education allowing the purchase of goods and services.
5. A resolution authorizing the City Manager to execute an amendment to the Interlocal Agreement with Dallas County in conjunction with the Dallas Area Household Hazardous Waste Network for fiscal year 2008-09 in an amount not to exceed \$78,500.00.
6. Bid No. 2009-018 – Mesquite Police Facility Spacesaver Shelving. (Staff recommends award to Southwest Solutions Group, Addison, TX, through an interlocal cooperative purchasing agreement with U.S. Communities in the total amount of \$286,747.23.)

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7. Bid No. 2009-019 – Purchase of Sentinel Sky-Watch Unit with Sound Commander Public Address System.
(Staff recommends award to sole source provider ICx Tactical Platforms in the amount of \$85,696.00.)
8. Authorize the City Manager to execute a change order to City Contract No. 2008-009, Annual Miscellaneous Concrete Repairs and Asphaltic Concrete Repairs at Various Locations for Fiscal Year 2007-08, with B&B Concrete Sawing, Inc., in the amount of \$73,150.00.
9. Authorize the City Manager to execute a change order to Amendment No. 1, City Contract No. 2005-087, Mesquite Police Building Project, with Lee Lewis Construction, Inc., for two restroom facilities at City Lake Park in an amount not to exceed \$547,757.00.
10. 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, 2009.

PUBLIC HEARINGS

11. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2008-5 adopting the Kaufman-Interstate 20 Interim Development Code thereby controlling the uses, site development and form of buildings for all land, public and private, within the Kaufman-Interstate 20 District.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application. This item was postponed at the August 18, 2008, City Council meeting.)
12. Conduct a public hearing and consider an ordinance for Application No. Kaufman-1 designating and classifying all properties within the City of Mesquite located east of the East Fork of the Trinity River as subject to the application of the new Kaufman-Interstate 20 District floating zone classification at such time as properties are developed.
(One letter in favor and two letters in opposition to the proposed classification have been received. The Planning and Zoning Commission recommends approval of the application. This item was postponed at the August 18, 2008, City Council meeting.)

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13. Conduct a public hearing and consider an ordinance for Application No. 190-9 submitted by Marc Bentley, P.E., amending PD No. 3873 Planned Development – General Retail to modify the concept plan and change the property description. This property is further described as a 0.93-acre tract located on the north side of Cartwright Road and approximately 400 feet west of Belt Line Road.
(Three letters in favor of the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
14. A. Conduct a public hearing to receive input from citizens regarding the proposed 2008-09 City budget.

B. Consider an ordinance approving the budget for fiscal year 2008-09 and appropriating the necessary funds for the maintenance and operation of the City and for activities and improvements as set forth in the budget.

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS

15. Receive resignation from Jack Akin as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.
16. Consider appointment of five members to the Animal Control Advisory Committee for terms to expire September 8, 2010.
17. Consider appointment of two members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2008, and two members for terms to expire December 31, 2010.

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. 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

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2. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
3. 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
4. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
5. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
6. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
7. 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.

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.

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

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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)