

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
11:30 A.M. – AUGUST 6, 2007

Discuss the items on the Work and Regular Agenda and discuss: (1) proposed ordinance amending Chapter 8 of the City Code regarding solicitation and Chapter 10 of the City Code regarding handbills; (2) request from the Town of Sunnyvale regarding participation in reconstruction of U.S. Highway 80 and SH 352 Interchange project; (3) fiscal year 2007-08 water and sewer rates and (4) development in the Town East Retail and Restaurant Area (TERRA) and (5) receive update regarding plans for 2008 Real. Texas. Festival.

EXECUTIVE SESSION – 11:30 A.M.
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, SALE OR LEASE 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. Receive monthly financial report for June 2007.
- B. Receive Investment Report for the quarter ending June 30, 2007.

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

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INVOCATION

(Rocky Pope, Senior Pastor, Mimosa Lane Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Camp BLAST [Bring Leadership and Sports Together] participants from Evans Recreation Center.)

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 sale, purchase, exchange or lease 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 July 16, 2007.
2. Bid No. 2007-068 – Phase 1A, Traffic Signal Fiber Optic Lines at Towne Centre Drive and Downtown Mesquite.
(Staff recommends the City Manager be authorized to execute a contract with Future Telecom, Inc., in the amount of \$290,843.36.)
3. Authorize an amendment to Contract No. 2007-086 for Installation of Detector Loops at Selected Signalized Intersections with Roadway Solutions, Inc., for 10 additional detector loops in the amount of \$8,250.00.

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4. Authorize the City Manager to execute Amendment No. 2 to an engineering services contract with Nathan D. Maier Consulting Engineers, Inc., in conjunction with the South Mesquite Creek Sanitary Sewer Trunk Main project in the amount of \$208,700.00.
5. Authorize the City Manager to execute an amendment to an engineering services contract with Binkley & Barfield Consulting Engineers, Inc., in conjunction with the 2005-06 Alley Reconstruction and Drainage Improvement Project in the amount of \$12,800.00.

OTHER BUSINESS

6. Consider calling public hearings for August 20, 2007, and September 4, 2007, to consider setting the ad valorem tax rate for the fiscal year 2007-08.

SITE PLAN AND PUBLIC HEARINGS

7. Consider a Planned Development site plan submitted by Macatee Engineering for America's Trucking Center located at the southeast corner of the intersection of Big Town Boulevard and Samuell Boulevard.
8.
 - A. Conduct a public hearing to receive input from citizens regarding the Annual Action Plan and 2007-08 Community Development Block Grant Program.
 - B. Consider a resolution adopting the 2007-08 Community Development Block Grant Program and Annual Action Plan, designating a Chief Executive Officer and authorizing the filing of an application under the Housing and Community Development Act.
9. Conduct a public hearing to consider Application No. 1397-25 submitted by Rajan Thomas and consider an ordinance for a zoning change from Service Station to Planned Development – General Retail to allow minor auto repair and limited office and retail uses in addition to other uses allowed in part of the M. L. Swing Survey, Abstract No. 1397. This property is further described as a 0.2954-acre tract located at 910 North Galloway Avenue.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the January 16, 2007, and July 16, 2007, City Council meetings.)

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10. Conduct a public hearing to consider Application No. CV17-7 submitted by Greg Kubic and consider an ordinance for a zoning change from Service Station to Planned Development – General Retail to allow the property to be used for a garden nursery in addition to other uses allowed at Casa View Heights No.17, Block 5, Lot 23. This property is further described as an 18,000-square-foot tract located at 3708 Hyde Park Drive.
(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
11. Conduct a public hearing to consider Application No. 1-38 submitted by Dowdey Anderson & Associates on behalf of White Properties for a zoning change from Agricultural to Planned Development – Single Family Residential to allow single-family residential and supporting uses in the J. P. Anderson Survey, Abstract No. 1. This property is further described as a 270-acre tract located at the west corner of the East Cartwright Road and Lawson Road intersection.
(Two letters in favor and seven letters in opposition to the proposed amendment have been received. Seven persons appeared in opposition to the proposed amendment at the hearing before the Planning and Zoning Commission. Seventy-seven letters were received after the Planning and Zoning Commission meeting in opposition to the proposed amendment. The Commission recommends approval of the application with certain stipulations. This item was postponed at the July 16, 2007, City Council meeting.)

RECEIPT OF RESIGNATION

12. Receive resignation from Darlene Aguilar as a member of the Civil Service Commission and Personnel/Trial Board.

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. Graciela Aleman v. J. W. Abbott, Gary Westphal and the City of Mesquite – Filed 12-1-06

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2. Marsha and Jerry Chambers v. State of Texas, County of Dallas, City of Mesquite, Jane/John Doe City of Mesquite Official in Individual Capacity, Officer D. R. McKee in Individual Capacity, Officer McKee in Official Capacity, Officer K. R. Griffin in Individual Capacity, Officer Griffin in Official Capacity, Jane Doe Dallas County District Attorney in Individual Capacity, Judge Danny Clancy in Individual Capacity – Filed 11-9-06
3. City of Mesquite, Texas v. DFW Convenience Stores, L.P., et al – Filed April 2006
4. Noble A. Craft v. the State of Texas, the cities of San Benito, Plano, Allen, Gainesville, Paducah, Dallas, Lancaster, Mesquite, Irving, University Park, et al – Filed 9-14-01
5. Dallas Independent School District v. Tivoli Realty, Inc.; City of Mesquite and County of Dallas – Filed 1-27-04
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. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
9. R. S. #1 Trust v. City of Mesquite – Filed 4-4-05
10. Some Park Partners LP v. City of Mesquite, City of Mesquite's Board of Appeals et al – Filed 3-23-05
11. Johnny Spencer v. City of Mesquite – Filed 2-6-07
12. 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 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 Intervenor – Filed 4-18-07
13. Mesquite Metro Airport construction project issues.

Real Property:

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, sale, exchange, lease or value of real property. The following subject may be discussed:

1. Acquisition of property in conjunction with the Tripp Road Reconstruction Project.

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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 subjects may be discussed:

1. Prospect seeking to develop in the Town East Retail and Restaurant Area (TERRA).
2. Prospect seeking to locate in the Commerce East Business Park area.
3. Prospect seeking to locate on a site on U.S. Highway 80.
4. Prospect seeking to develop in the Town East Retail and Restaurant Area (TERRA).

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).