

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – MARCH 3, 2008**

**Discuss the items on the Regular Agenda and discuss proposed amendments to  
Chapter 4 of the City Code regarding Animal Services.**

**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.)**

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

**INVOCATION**

(Rex Walker, Pastor, Family Cathedral of Praise, Mesquite, Texas.)

**PLEDGE OF ALLEGIANCE**

(Recreation participants from Evans Senior Citizens Center.)

**SPECIAL ANNOUNCEMENTS**

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

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### **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.)

### **SPECIAL RECOGNITION**

1. Recognize Student Government Day participants from Mesquite High School, North Mesquite High School and Horn High School.

### **PRESENTATION OF PLAQUES**

2. Presentation of a plaque to Rachel Lopez in recognition of her service as a member of the Parks and Recreation Advisory Board and Tree Board.
3. Presentation of a plaque to Greg Noschese in recognition of his service as a member of the Mesquite Quality of Life Corporation Board of Directors.

### **APPOINTMENT FOR PERSONAL APPEARANCE**

4. Appointment – Diane Wright, President, Mesquite Quality of Life Corporation.  
(Ms. Wright will present the Board's annual report.)

### **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.)

5. Minutes of the regular City Council meeting held February 18, 2008.
6. An ordinance authorizing the City Manager to approve certain change orders on contracts.
7. A resolution expressing official intent to reimburse costs of projects.
8. A resolution authorizing the Mayor to execute a Joint Election Agreement and Election Services Contract in connection with the annual City election.

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9. A resolution appointing a representative to the Early Voting Ballot Board for the May 10, 2008, Joint Election.
10. Bid No. 2008-057 – Annual Supply of Dodge OEM Parts.  
(Staff recommends award to Dallas Dodge Chrysler Jeep at dealer cost plus a 10 percent markup.)
11. Authorize the Mayor to execute an Interlocal Agreement with the Town of Sunnyvale for cost participation in the U.S. Highway 80/State Highway 352 interchange reconstruction project in the amount of \$1,400,000.00.
12. Authorize the City Manager to execute a change order to City Contract No. 2007-09 with Western Paper Company, Inc., for a price increase in the amount of \$10,648.69 reflecting a total contract amount of \$85,640.36 for fiscal year 2007-08.

### **PUBLIC HEARINGS**

13. Conduct a public hearing for Application No. 337-13 submitted by Mesquite Independent School District for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow the property to be used for storage, offices and other school services in East Dallas Estates, Block 1, Lot 6R. This property is further described as a 5.997-acre tract located at 2133 North Belt Line Road.
14.
  - A. Conduct a public hearing to consider a program with BRC Associates, Inc., and New Big Town Associates (collectively “Kimco”) and Kent E. Jones & Company, Inc., (“KJI”) to promote economic development and stimulate business and commercial activity in conjunction with development at U. S. Highway 80/Big Town Boulevard formerly occupied by Big Town Mall.
  - B. Consider an ordinance authorizing the City Manager to execute and finalize an agreement with BRC Associates, Inc., and New Big Town Associates (collectively “Kimco”) and Kent E. Jones & Company, Inc., (“KJI”) for costs associated with development at U.S. Highway 80/Big Town Boulevard formerly occupied by Big Town Mall.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

15. Consider appointment of one regular member and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2008.

**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
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. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07.
5. 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.
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

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### **Consultation With Attorney:**

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney. The following subject may be discussed:

1. Briefing from counsel regarding proposed items for discussion and procedures for negotiating a Meet and Confer agreement.

### **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. Proposed land acquisition for school/park site in the Ridge Ranch Subdivision.

### **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.

**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).**