

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**11:30 A.M. – SEPTEMBER 4, 2007**

**Discuss the items on the Regular Agenda and discuss: (1) proposed amendments to Section 8-840 and Chapter 13 of the City Code; (2) request from Town of Talty for the release and exchange of extraterritorial jurisdiction; (3) design concept for Faithon P. Lucas, Sr., Boulevard and (4) fiscal year 2007-08 water and sewer rates.**

**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) 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.)**

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

**INVOCATION**

(Leslie Gregory, Pastor of Adult Ministries, Lake Pointe Church, Town East Campus, Mesquite, Texas.)

**PLEDGE OF ALLEGIANCE**

(RASP [Recreation After School Program] participants from Dunford 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 August 20, 2007.
2. An ordinance authorizing the City Manager to approve certain change orders on construction contracts.
3. An ordinance authorizing the City Manager to approve the expenditure of funds for contracts, bids and proposals as allowed by Chapter 252 of the Texas Local Government Code.
4. A. An ordinance amending Chapter 8 of the City Code regarding solicitors, vendors and outdoor sales.  
  
B. An ordinance amending Chapter 10 of the City Code regarding handbills.
5. An ordinance approving a zoning change from Agricultural to Planned Development – Single Family Residential 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.

(The vote on this ordinance affirms that the ordinance was prepared as directed by the City Council at the public hearing on August 6, 2007, and does not indicate whether an individual Councilmember was in favor or opposed to the request submitted by Dowdey Anderson & Associates as File No. 1-38.)

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6. A. Receive certification from the City Secretary verifying signatures on two local option election petitions received on August 1, 2007, requiring that a special election/local option election be called if a sufficient number of valid signatures are verified, the purpose of that election to determine whether to legalize the following issues: (1) the legal sale of mixed beverages in restaurants by food and beverage certificate holders only and (2) the legal sale of beer and wine for off-premise consumption only.
- B. A resolution calling a special election/local option election to be held November 6, 2007, for the purpose of determining whether to legalize the following local option election issues: (1) the legal sale of mixed beverages in restaurants by food and beverage certificate holders only and (2) the legal sale of beer and wine for off-premise consumption only.
7. A resolution denying the request of Atmos Energy Corporation, Mid-Tex Division, for an annual Gas Reliability Infrastructure Program (GRIP) rate increase in the City, as a part of the company's statewide gas utility distribution system; finding that the meeting at which this resolution is passed is open to the public; and providing for notice of this resolution to Atmos Energy Corporation, Mid-Tex Division.
8. A resolution endorsing a grant for the Speed Selective Traffic Enforcement Project with the Texas Department of Transportation in the amount of \$74,111.40 to be supplemented by City funds in the amount of \$18,323.88 and authorizing the City Manager to execute the necessary documents.
9. Bid No. 2007-090 – Annual Contract for Temporary Personnel Services for Solid Waste.  
(Staff recommends all bids be rejected and rebid at a later date.)
10. Authorize the City Manager to execute an Agreement for Street Lighting Services with Oncor Electric Delivery.
11. Authorize the City Manager to execute an engineering design services contract with Binkley & Barfield, Inc., for the 2007-08 Asphalt Street Reconstruction and Overlay Project in the amount of \$52,500.00.
12. Authorize the City Manager to execute an amendment to an engineering design services contract with APM & Associates, Inc., in conjunction with the Pioneer Road Paving, Drainage and Utilities Project in the amount of \$29,872.00.

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13. Authorize 50-percent participation by the City of Mesquite with Lang and Company, LLC, to provide surveying and miscellaneous engineering services on City-owned property located near IH 635 and Peachtree Road in an amount not to exceed \$41,500.00.
14. Authorize the City Manager to execute a change order to City Contract No. 2007-004, Tripp Road Paving, Drainage, Water, Sanitary Sewer and Aesthetic Enhancement Project with Rebcon, Inc., for sanitary sewer line replacement in the amount of \$43,660.00.

**PUBLIC HEARINGS**

15. A. Conduct a public hearing to consider a program with Ojeda Investments, L.L.C., dba Fritz-Pak Corporation to promote economic development and stimulate business and commercial activity.  
B. Consider a resolution approving the terms and conditions of a program with Ojeda Investments, L.L.C., dba Fritz-Pak Corporation to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement.
16. A. Conduct a public hearing to receive input from citizens regarding the proposed 2007-08 City budget.  
B. Consider an ordinance approving the budget for fiscal year 2007-08 and appropriating the necessary funds for the maintenance and operation of the City and for activities and improvements as set forth in the budget.  
C. Consider an ordinance ratifying the increase in property tax revenue reflected in the fiscal year 2007-08 budget.
17. Conduct a public hearing regarding the proposed 2007-08 ad valorem tax rate of \$.64 per \$100 valuation.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

18. Consider appointment of two members to the Municipal Library Advisory Board for terms to expire December 4, 2008.
19. Consider appointment of one member to the Personnel/Trial Board for a term to expire November 7, 2007, who will also serve on the Civil Service Commission.

**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
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

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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 subject may be discussed:

1. Prospect seeking to expand 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).**