

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – JANUARY 5, 2009**

**Discuss the items on the Regular Agenda and discuss the 2010 Census.**

**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**

(Dr. Tom Wilbanks, Pastor, First Presbyterian Church, Mesquite, Texas.)

**PLEDGE OF ALLEGIANCE**

(Recreation After School Program participants from Shaw Elementary School.)

**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.)

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### 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 December 15, 2008.
2. An ordinance amending Chapter 9 of the City Code implementing and enforcing motor vehicle idling limitations and authorizing the City Manager to execute a Memorandum of Agreement with the Texas Commission on Environmental Quality to allow enforcement of vehicle idling within the City.
3. A resolution authorizing the City Manager to execute a Supplemental Agreement to the Master Agreement Governing Transportation Major Capital Improvement Projects with Dallas County regarding City funding commitments for the reconstruction of Faithon P. Lucas, Sr., Boulevard, from Cartwright Road to McKenzie Road, in the amount of \$5,650,000.00.
4. Bid No. 2009-044 – Construction of McWhorter Park Playground Improvements.  
(Staff recommends the City Manager be authorized to execute a contract with Custom Swings of Texas, Inc., in the amount of \$171,051.10.)
5. Bid No. 2009-050 – Purchase of Pedestal Poles and Traffic Signal Poles with Mast Arm Assemblies.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Union Metal Corporation in the amount of \$102,880.00.)
6. Bid No. 200-055 – DeBusk Park Pedestrian Bridge Improvements.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Jeske Construction Company in the amount of \$158,817.20.)
7. A. Authorize the Mayor to finalize and execute an agreement and all other documents necessary with Allied Waste Systems, Inc., to provide containerized commercial and industrial refuse collection services within the City of Mesquite.  
  
B. An ordinance amending Chapter 14 of the City Code regarding apartment and commercial solid waste collection rates, effective February 1, 2009.
8. Authorize the City Manager to execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP).

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9. A. Authorize the City Manager to execute a Landlord's Consent to Assignment with Michels Aviation LLC and Professional Bank in conjunction with Mesquite Metro Airport.
- B. Authorize the City Manager to execute a Landlord's Estoppel Certificate with Michels Aviation LLC and Professional Bank in conjunction with Mesquite Metro Airport.

### **CONSIDERATION OF A RESOLUTION**

10. A resolution approving the terms and conditions of a program with CAPSTAR Real Estate Advisors to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District and authorizing the City Manager to execute the necessary documents.

### **APPOINTMENT TO BOARDS AND COMMISSIONS**

11. Consider appointment of one alternate member to the Building Standards Board for a term to expire January 1, 2011.

### **OTHER BUSINESS**

12. A. Consider electing a City Councilmember to serve in the Place 1 position until the next regular municipal election.
- B. Installation of newly elected City Councilmember, Place 1.

### **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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
2. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
3. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
4. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
5. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03

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6. Estate of Steven Everett Shaw; Mark Shaw; Elisandra Lopez as Mother and Next Friend of Dominic Taylor Shaw, a Minor; and Dale Roberts v. Nicolas Sierra, Police Officer, and Todd Cavaliere, Police Officer – Filed 10-9-08
7. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble b , Lewisville, Mesquite, North Richland Hills and Plano, Denton County Transportation Authority and Fort Worth Transportation Authority as Third-Party Intervenors v. 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
8. City of Mesquite v. B.J. & B.M. Investments, Inc., a Texas corporation, dba Inn on the Creek and Bharatkumar Patel aka Bobby Patel (Manager) – Filed 10-24-08
9. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08

### **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. Acquisition of property near Mesquite Metro Airport.

### **Personnel Matters:**

Pursuant to Section 551.074 of the Texas Government Code, the City Council will 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 City officers or other employees. A complete list of the members of the City boards and commissions is on file in the City Secretary's office. The following matter will be discussed:

1. Consider election of a City Councilmember to serve in the Place 1 position until the next regular municipal election.

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)**