

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
1:00 P.M. – DECEMBER 15, 2008

Discuss the items on the Work and Regular Agenda and discuss: (1) administrative processing fee consistency options, (2) Brickyard Cemetery Project and (3) Texas Commission on Environmental Quality Idling Limitation Rule.

EXECUTIVE SESSION – 1:00 P.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, 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.)**
- (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
1:30 P.M.

- A. Receive briefing from Texas Department of Transportation regarding LBJ/Town East Boulevard project.

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

INVOCATION

(John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Micayla Telesca, Kayla Gable, Carolina Lucio and Deven Lamp fourth grade students from Florence Black Elementary School.)

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SPECIAL ANNOUNCEMENTS

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

The following announcement may be made:

1. Recognition of awards received by the Parks and Recreation Department from the Texas Turfgrass Association.

(There may be additional announcements related to events, recognition of birthdays, anniversaries or other special occasions.)

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 December 1, 2008.
2. An ordinance amending Chapter 2 of the City Code revising City Council district boundaries for the purpose of electing Councilmembers for District Nos. 1, 2, 3 and 4.
3. An ordinance amending Section 5-187(6)(g) of the City Code amending the 2006 Edition of the International Plumbing Code regarding minimum standards for commercial landscape irrigation systems, effective January 1, 2009.
4. An ordinance amending Section 5-20(c) of the City Code regarding residential and commercial irrigation installation permit fees, effective January 1, 2009.
5. An ordinance amending Section 5-468(i) of the City Code requiring the payment of liens prior to receiving a rental certificate of occupancy, effective June 1, 2009.

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6. An ordinance amending Section 5-468(17)(a) of the City Code amending the 2006 Edition of the International Residential Code regarding minimum standards for residential landscape irrigation systems, effective January 1, 2009.
7. An ordinance amending Sections 9-195 and 9-199 of the City Code regarding parking restrictions along a portion of Gross Street W. from Bryan-Belt Line Road to South Galloway Avenue, effective January 5, 2009.
8. An ordinance amending Sections 10-131 and 10-132 of the City Code regarding the condition of premises.
9. An ordinance revising the schedule of administrative fees related to engineering, planning, zoning and subdivision applications to add an administrative fee for processing variances to water line extensions as part of development.
10. A resolution supporting and acknowledging the City's 2008 Homeland Security Grant Program award in the amount of \$480,355.95 and authorizing the Fire Chief as the responsible officer for the purpose of signing all subordinating documents associated with the grant.
11. Bid No. 2009-052 – Annual Miscellaneous Concrete Repairs and Asphaltic Concrete Repairs at Various Locations.
(Staff recommends the City Manager be authorized to execute a contract with Platinum Paving Company in the amount of \$594,175.00.)
12. Bid No. 2009-065 – Annual Maintenance for Computer Aided Dispatch (CAD)/Records Management System (RMS)/Premier Mobile Data Computer (PMDC).
(Staff recommends the City Manager be authorized to execute a contract with sole source provider Motorola, Inc., in the total amount of \$281,721.00.)
13. Authorize the City Manager to execute Change Order No. 2 to City Contract No. 2005-011, Traffic Signal Operational Improvements, Phase 1, with TranSystems Corporation for additional consulting services in the amount of \$36,707.50.
14. Authorize the Mayor to execute an extension to the Commercial and Industrial Refuse Collection Agreement with Allied Waste Systems extending the current agreement through January 31, 2009.
15. Authorize the City Manager to execute a contract with Sigma Communications, LLC, dba Reverse 911®, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, for the purchase and installation of a Reverse Notification Call System in the amount of \$76,544.96.

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16. Receive Change Order Report from City Manager.
(CE I057-2008, Annual Supply of Sheets for Ambulances – \$387.92; CE I006-2009, Annual Supply of Lawn and Ornamental Chemicals – [\$170.00]; CE I037-2008, Annual Supply of Shop Towels – \$429.00; CE BO900145, Telephone System Upgrade – [\$2,346.50]; CE 2009-033, Purchase of Motorola Police Radios – [\$54,762.60]; and CE I022-2009, One Diesel Concrete Saw – \$1,000.00.)

PUBLIC HEARINGS

17. Conduct a public hearing for Application No. 337-14 submitted by the Mesquite Independent School District and consider an ordinance for a zoning change from Commercial to Planned Development – Commercial in East Dallas Estates, Block 1, Lot 6R. This property is further described as a 6.66-acre tract located at 2133 North Belt Line Road.
(One letter in opposition and three letters in favor of the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
18. Conduct a public hearing for Application No. 944-1 submitted by Tommy Mann and Kirk Williams, Winstead PC, and consider an ordinance for a zoning change from R-1 Single Family to Agricultural on Tract 1 and from Agricultural to Mixed Use on Tract II in the E.T. Myers Survey, Abstract 944. This property is further described as a 12.79-acre tract located at the northwest corner of Greenbelt Parkway and IH 30.
(The Planning and Zoning Commission recommends denial of the application. This item was postponed at the November 3, 2008, and December 1, 2008, City Council meetings.)
19.
 - A. Conduct a public hearing to consider a Municipal Setting Designation for the Lineage Power facility located at 3000 Skyline Drive.
 - B. Consider an ordinance prohibiting the use of designated groundwater from beneath certain property generally located at 3000 Skyline Drive and supporting certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality.
20.
 - A. Conduct a public hearing to consider 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.

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- B. Consider 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.
- 21. A. Conduct a public hearing to consider a program with Camelot Sports and Entertainment, LLC, to promote economic development and stimulate business and commercial activity in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One.
(This item was postponed at the December 1, 2008, City Council meeting.)
 - B. Consider a resolution approving the terms and conditions of a program with Camelot Sports and Entertainment LLC, to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One.
(This item was postponed at the December 1, 2008, City Council meeting.)
- 22. A. Conduct a public hearing to consider amendments to the 2004 Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.
 - B. Consider an ordinance approving amendments to the 2004 Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.
- 23. A. Conduct a public hearing to consider creation of the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five.
 - B. Consider an ordinance creating the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five and establishing a Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors.
- 24. A. Conduct a public hearing to consider creation of the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six.
 - B. Consider an ordinance creating the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six and establishing a Lucas Farms Tax Increment Finance Reinvestment Zone No. Six Board of Directors.

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25. A. Conduct a public hearing and consider an ordinance regarding amendments to the Mesquite Comprehensive Plan to create and modify neighborhood-related land uses and development policies.
(The Planning and Zoning Commission recommends approval of the amendments. This item was postponed at the December 1, 2008, City Council meeting.)
- B. Conduct a public hearing for Zoning Text Amendment No. 2008-8 and consider an ordinance creating a new zoning classification to be known as the North Gus Thomasson Corridor (NGTC) District, which shall incorporate the Gus Thomasson Revitalization Code containing new or amended procedural requirements, standards for site design, and regulations affecting building form, building design, setback, parking, signage, landscaping and permitted uses.
(The Planning and Zoning Commission recommends approval of the zoning text amendment. This item was postponed at the December 1, 2008, City Council meeting.)
- C. Conduct a public hearing for Application Nos. 705-7, 706-4, 1461-144 and 545-22 and consider an ordinance to rezone all properties with frontage on Gus Thomasson Road from IH 30 north to the city limit line, and, in addition, all properties lying within 1,500 feet of Gus Thomasson Road except for such properties that are currently zoned R-1, R-2 or R-3 Single-Family Residential from their current zoning classifications to the new North Gus Thomasson Corridor District classification.
(The Planning and Zoning Commission recommends approval of the amendments. This item was postponed at the December 1, 2008, City Council meeting.)

OTHER BUSINESS

26. Consider appointment to fill the City Secretary position created by the retirement of Judy Womack, effective February 1, 2009.

APPOINTMENTS TO BOARDS AND COMMISSIONS

27. Consider appointment of three regular members, one alternate member and one reserve alternate member to the Board of Adjustment for terms to expire January 1, 2011.
28. Consider appointment of three members to the Automated Traffic Signal Enforcement Advisory Committee for terms to expire January 1, 2011, and two members for terms to expire January 1, 2010.

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29. Consider appointment of three regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2011.
30. Consider appointment of three members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2011, and one member for a term to expire December 31, 2010.
31. Consider appointment of two members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2011, and one member for a term to expire December 31, 2010.
32. Consider appointment of four regular members and two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2010.
33. Consider appointment of a Chairperson for the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors to serve a one-year term beginning January 1, 2009.
34. Consider appointment of four members to the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors for terms to expire December 31, 2010, and appointment of a Chairperson to serve a one-year term beginning January 1, 2009.
35. Consider appointment of four members to the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for terms to expire December 31, 2010, and appointment of a Chairperson to serve a one-year term beginning January 1, 2009.
36. Consider appointment of seven members to the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors for terms to expire December 31, 2010, and appointment of a Chairperson to serve a one-year term beginning January 1, 2009.
37. Consider appointment of seven members to the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six Board of Directors for terms to expire December 31, 2010, and appointment of a Chairperson to serve a one-year term beginning January 1, 2009.

Adjournment.

NOTICE OF EXECUTIVE SESSION

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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
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 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

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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 project. The following subject may be discussed:

1. Prospect seeking to locate in the Skyline Industrial District.

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)