

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – OCTOBER 20, 2008

Discuss the items on the Work and Regular Agenda and discuss options for home improvement incentive programs.

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.)**
- (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. Discuss policy framework for the Unified Development Code.

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

INVOCATION

(Mike Pettit, Pastor, North Mesquite Assembly of God, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(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 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 October 6, 2008.
2. An ordinance adopting Supplement No. 36 to the Code of Ordinances for the City of Mesquite.
3. An ordinance determining that no revisions to the land use assumptions, capital improvements plan, or impact fees are necessary for the 2008 Update of the Impact Fee Program.
4. A resolution denying Oncor Electric Delivery Company's rate increase request.
5. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with Dallas County for purchase of goods and services.
6. A resolution authorizing execution of the First Addendum to Contract of Sale with Lang and Company, LLC., for the Peachtree Towne Center project.
7. A resolution adopting the Mesquite IH-30 Corridor Redevelopment Plan as the strategy for development and revitalization of the Big Town and IH-30 Mixed Use Gateways and the overall planning framework of the City.

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8. Bid No. 2008-092 – Annual Facility Maintenance, Time and Materials Repair and Remodeling Contract.
(Staff recommends the City Manager be authorized to approve expenditures and execute all necessary documents in conjunction with services provided by low bidders Concord Commercial Services, Inc.; Berger Engineering Company; Decker Mechanical; and Phillips Lawn Sprinkler Company for individual contracts not to exceed \$50,000.00.)
9. Bid No. 2009-002 – Annual Contract for Internet Auctioning Services.
(Staff recommends award to Rene' Bates Auctioneers, Inc., through an Interlocal Agreement with the City of Plano for a commission of 7.5 percent of gross sales.)
10. RFQ No. 2009-013 – Construction Manager-At-Risk for City Hall/Municipal Court Project.
(Staff recommends the City Manager be authorized to execute a contract with Lee Lewis Construction, Inc., in the amount of \$1,028,700.00.)
11. Bid No. 2009-036 – Purchase of One 1,500 GPM Replacement Pumper Truck.
(Staff recommends award to Crimson Fire, represented by Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program in the amount of \$482,578.00.)
12. Bid No. 2009-037 – Annual Supply of Personal Computers.
(Staff recommends award for personal computers and monitors to Dell, Inc., software and software licenses to SHI-Government Solutions and uninterruptible power supplies to Workhorse Computers, through the Texas Department of Information Resources, in the total amount of \$154,341.87.)
13. Bid No. 2009-042 – Static Pipe Bursting System.
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Earth Tool Company, LLC in Oconomowoc, Wisconsin, in the amount of \$179,118.74.)
14. Authorize the City Manager to execute the necessary documents regarding the purchase of a 6,273-square-foot tract located at 324 West Kearney Street.
15. Authorize the City Manager to execute Change Order No. 2 to City Contract No. 2008-074, Annual Purchase of Recycling Bins, with Otto Environmental Systems for the purchase of additional recycling bins in the amount of \$10,000.00.
16. Receive Change Order Report from City Manager.

PUBLIC HEARING

17. 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.

OTHER BUSINESS

18. Consider canceling and rescheduling the regular City Council meeting scheduled to be held January 19, 2009, due to the Martin Luther King, Jr., Day holiday.

RECEIPT OF RESIGNATIONS AND APPOINTMENTS TO BOARDS AND COMMISSIONS

19. Receive resignation from Lois Hampton as a member of the Historic Mesquite, Inc., Board of Directors.
20. Receive resignation from Atrice Adeniyi as a member of the Historic Mesquite, Inc., Board of Directors.
21. Consider appointment of one member to the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2009.
22. Consider appointment of four regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2010.
23. Consider appointment of two alternate members to the Planning and Zoning Commission and Capital Improvements Advisory Committee, one for a term to expire October 20, 2009, and one for a term to expire October 20, 2010.
24. Consider appointment of one member to the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors for a term to expire December 31, 2009, and designation of a Chairperson for an unexpired term of December 31, 2008.
25. Consider appointment of one member to the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for a term to expire December 31, 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. 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. 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

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. Sale or lease of property located at 1505 Edwards Church Road.

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.

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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 subjects may be discussed:

1. Prospect seeking to locate in the Rodeo City Tax Increment Finance Reinvestment Zone No. 1.
2. 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)