

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
1:00 P.M. – JANUARY 4, 2010

Discuss the items on the Regular Agenda.

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) **CONSULTATION WITH ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER (See Notice of Executive Session – Matters 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 participants from Rutherford 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.)

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 21, 2009.
2. An ordinance terminating the Master Development Agreement Amended and Restated July 2005 (and as subsequently amended) by and among the City of Mesquite, Texas, the Mesquite Independent School District, Falcon's Lair Utility and Reclamation District, Falcon's Lair, LP, and Koll Development Company.
3. A resolution amending Resolution No. 40-2009 by adding funding verbiage regarding a Local Project Advance Funding Agreement with the Texas Department of Transportation for a Statewide Transportation Enhancement Program 2009 for a hike and bike trail in the greenbelt of Clay Mathis Greenbelt Park from Brandy Station Park to Terry Middle School.
4. A resolution amending Resolution No. 41-2009 by adding funding verbiage regarding a Local Project Advance Funding Agreement with the Texas Department of Transportation for a Statewide Transportation Enhancement Program 2009 for a hike and bike trail in the right-of-ways of Military Parkway and Hickory Tree Road.
5. Bid No. 2010-050 – Purchase of Computer Equipment and Software for Police Department.
(Staff recommends award for servers, storage arrays and personal computers to Dell, Inc., in the amount of \$84,556.88 and software and software licenses to Dell ASAP Software in the amount of \$11,422.62 through the Texas Department of Information Resources and VMware software and uninterruptible power supplies to CDWG in the amount of \$19,413.58 through The Cooperative Purchasing Network for a total amount of \$115,393.08.)
6. Approve Amendment No. 2 to the 2009-10 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$132,135.00.

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7. Authorize the City Manager to execute a Contract for Purchase and Sale of Real Property with Roundstone Development, LLC, for 4.5-acres located in the 3500 block of Emporium Square approximately 600 feet east of the intersection of Emporium Circle and Emporium Square.

PUBLIC HEARING

8. Conduct a public hearing and consider an ordinance for Application No. 1095-51-2009 submitted by Matt Carby of Entertainmart Town East, LLC, for a zoning change from Commercial with TERRA Overlay to Commercial with TERRA Overlay with a Conditional Use Permit to allow for the sale of used DVDs, CDs, games and assorted small electronics. This property is further described as a 4,313-square-foot lease space located at 2063 Town East Mall.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

9. Consider appointment of two alternate members to the Board of Adjustment, one for a term to expire January 1, 2011, and one for a term to expire January 1, 2012.
10. Consider appointment of two members to the Automated Traffic Signal Enforcement Advisory Committee for a term to expire January 1, 2012.

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. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
2. 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 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
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07

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4. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
5. 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
6. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
7. Govind Group Corporation v. the City of Mesquite, Texas; the Building Standards Board of the City of Mesquite, Texas; Ron Hall, Patrick Reyes, James T. Wofford, Richard G. Walker, Jr., Cecil Mackey, Sam Motley and Glen D. Dickerson, Being the Chair and Members, Respectively, of the Building Standards Board of the City of Mesquite, Texas; Keith H. Smith, Building Official of the City of Mesquite; and Alfred Paster, Fire Code Official of the City of Mesquite, Filed – 7-20-09
8. Curtis Fritz and Wendy Fritz, Individually and as Next Friends of Morgan Fritz, a Minor v. the City of Mesquite, Texas, and Rink Management Services Corporation dba “The Ice at Stonebriar,” Filed – 10-26-09
9. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
10. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

Consultation with Attorney on a Matter in Which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with this Chapter:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to receive legal advice involving Falcon’s Lair Development and related Master Development Agreement.

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.

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).