

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – MARCH 2, 2009

Discuss the items on the Regular Agenda and discuss: (1) General Fund budget status, (2) proposed Local Option Transportation Act and (3) receive update regarding Smoking Regulation Task Force findings.

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) **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

(Rex Walker, Pastor, Family Cathedral of Praise, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation After School Program participants from Thompson 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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SPECIAL RECOGNITION

1. Recognize Student Government Day participants from Mesquite High School, North Mesquite High School, West Mesquite High School, Poteet High School and Horn High School.

APPOINTMENT FOR PERSONAL APPEARANCE

2. Appointment – Jeann Wisenbaker, President, Mesquite Quality of Life Corporation.
(Ms. Wisenbaker will present the Board's annual report.)

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.)

3. Minutes of the regular City Council meeting held February 16, 2009.
4. A resolution authorizing the Mayor to execute a Joint Election Agreement and Election Services Contract in connection with the annual City election.
5. A resolution appointing a representative to the Early Voting Ballot Board for the May 9, 2009, Joint Election.
6. A resolution approving the terms and conditions of a program with CA 3000 Skyline Drive, LLC; Pioneer Skyline, LLC; Chapman & Wilson, LLC; Sorrento Skyline, Inc.; and Wilson Property Holdings, LLC (CAPSTAR Real Estate Advisors, Inc.) 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.
7. Bid No. 2009-066 – Annual Supply of Sand and Loam.
(Staff recommends award to low bidder DFW Materials in the amount of \$119,897.50.)
8. RFP No. 2009-075 – Purchase and Implementation of a Mobile Wireless Communications Trailer.
(Staff recommends award to AT&T Communications in the amount of \$105,846.00.)

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9. Bid No. 2009-087 – Purchase of Traffic Controllers and Cabinet Assemblies.
(Staff recommends award to sole source provider Texas Highway Products, Ltd., through Siemens Energy & Automation, Inc., in the amount of \$189,095.00.)
10. Authorize the City Manager to execute Amendment No. 2 to an engineering design services contract with Wilson & Company for additional engineering services in conjunction with the Driftwood Drive Extension Project in the amount of \$12,107.70.
11. Authorize the City Manager to execute a professional engineering services contract with Freese & Nichols, Inc., in conjunction with the design of the Forney Road Reconstruction Project in the amount of \$248,577.00.
12. Authorize the City Manager to execute the necessary documents in order to acquire four parcels of land in conjunction with the U.S. Highway 80 and North Galloway Avenue Project in an amount not to exceed \$175,000.00.

PUBLIC HEARING

13. Conduct a public hearing for Zoning Text Amendment No. 2009-2 and consider an ordinance amending Section 3-600 of the Mesquite Zoning Ordinance removing the tire rack exemption from an incidental outdoor display in conjunction with a service station or auto repair store.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)
14.
 - A. Conduct a public hearing and consider an ordinance for amending the Mesquite Comprehensive Plan by adding a new section in Part IV that establishes policies for the use of certain Smartcode® community types and modifying the community business and neighborhood related maps to designate certain areas as appropriate for the development or retrofit of neighborhoods in accordance with the Smartcode® standards of the K20 classification.
 - B. Conduct a public hearing and consider an ordinance for Application No. 1189-3-2009 to amend Planned Development Ordinance No. 3287 to clarify the limits of development authorized within the Airport Runway Protection Zone and to require either (a) the Traditional Neighborhood Development or Clustered Land Development standards of the K20 zoning district or (b) elimination of multi-family housing as a permitted use for Parcel 4 of the Falcon's Lair Planned Development District located generally southeast of Lawson Road from Clay-Mathis Road to the city limits of Mesquite.
(Six letters in favor and five letters in opposition to the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application.)

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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. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
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. 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 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 Intervenor – Filed 4-18-07
7. 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
8. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
9. Liberty Legal Institute's January 22, 2009, letter asserting a notice of rights and claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA)

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.

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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).