

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

NOON – JANUARY 19, 2010

Discuss the items on the Regular Agenda and discuss options for growth management in the I-20 Corridor of the City's Extraterritorial Jurisdiction.

Discussed. Councilmembers expressed interest in exploring areas for growth along the I-20 corridor. Staff will prepare additional information for future discussion on this topic.

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

(Rod Brewer, Associate Pastor, Family Cathedral of Praise, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

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

SPECIAL ANNOUNCEMENTS

Mr. Tarpley announced the grand opening of Cheddar's Restaurant located at 1320 N. Peachtree Road. He recognized City staff and expressed appreciation for their dedication while working with the restaurant during the development process. Mayor Monaco stated that the opening of Cheddar's Restaurant has created 150 new jobs with a \$1 million payroll.

CITIZENS FORUM

No one appeared.

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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 January 4, 2010. **Approved.**
2. Bid No. 2010-008 – Annual Supply of Fire Protective Clothing.
(Staff recommends award to low bidder Casco Industries, Inc., in the amount of \$77,928.84.) **Awarded as recommended.**
3. Receive Change Order Report from City Manager.
(CE 1054-2009, Annual Supply of Emergency Medical Drugs – \$416.70.)
Received.

PUBLIC HEARINGS

4. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2009-05 amending Sections 2-600 and 6-100 of the Mesquite Zoning Ordinance pertaining to the modification and creation of new regulations governing construction standards for front carports.
(No opposition to the proposed amendment has been received. Due to their failure to secure four concurring votes to pass a motion, there is no recommendation from the Planning and Zoning Commission. This item was postponed at the December 7, 2009, City Council meeting.) **Postponed until the February 15, 2010, City Council meeting and remanded to the Planning and Zoning Commission for modifications to the proposed ordinance.**
5. 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 merchandise to include iPods, mobile phones, DVDs, CDs, video games and video game consoles. 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. This item was postponed at the January 4, 2010, City Council meeting.) **Approved by Ordinance No. 4074 with certain stipulations.**

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APPOINTMENTS TO BOARDS AND COMMISSIONS

6. Consider appointment of one alternate member to the Board of Adjustment for a term to expire January 1, 2012. David Fitzgerald, Jr. was appointed as an alternate member to the Board of Adjustment for a term to expire January 1, 2012.
7. Consider appointment of two members to the Automated Traffic Signal Enforcement Advisory Committee for terms to expire January 1, 2012. Duddly Hargrove was reappointed as a member of the Automated Traffic Signal Enforcement Advisory Committee and David Fitzgerald, Jr., was appointed, by designation of Mayor John Monaco, both for terms to expire January 1, 2012.
8. Consider appointment of one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire January 19, 2012. Donna Adams was appointed as an alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire January 19, 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
4. 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
5. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
6. Govind Group Corporation v. the City of Mesquite, Texas; the Building Standards Board of the City of Mesquite, Texas; Ron Hall, Patrick Reyes,

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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

7. 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
8. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
9. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09

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.

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).