

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**11:30 A.M. – JULY 16, 2007**

**Discuss the items on the Work and Regular Agenda and discuss: (1) Summer Community Policing Program, (2) proposed 2007-08 budgets for the Library and Parks and Recreation Department, (3) possible development opportunities, (4) proposed amendments to Section 8-840 and Chapter 13 of the City Code and (5) receive overview of HB 621 passed during the 80<sup>th</sup> Session of the Texas Legislature regarding a new Freeport Exemption.**

**EXECUTIVE SESSION – 11:30 A.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 OR LEASE 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.)**

**CITY COUNCIL – STAFF WORK SESSION**  
**CITY COUNCIL CHAMBER**  
**1:00 P.M.**

- A. Receive monthly financial report for May 2007.

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

**INVOCATION**

(Mark Chambers, Intern Pastor, New Covenant United Methodist Church.)

**PLEDGE OF ALLEGIANCE**

(Conner and Chandler Pennington, Jordan and Mason Englert and Luke, Nathan and Josh Daughetee, participants in the Summer Reading Club at the Mesquite Public Library.)

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### **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 sale, purchase, exchange or lease 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.)

### **CITIZENS INPUT HEARING**

1. Conduct a public hearing to receive input from citizens regarding the proposed 2007-08 City budget.

### **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.)

2. Minutes of the regular City Council meeting held June 18, 2007.
3. An ordinance approving a zoning change from R-1 Single-Family Residential to Planned Development – General Retail in the W. H. Bennett Survey, Abstract 93. This property is further described as a 0.93-acre tract located 400 feet west of the Cartwright Road and Belt Line Road intersection.

(The vote on this ordinance affirms that the ordinance was prepared as directed by the City Council at the public hearing on June 18, 2007, and does not indicate whether an individual Councilmember was in favor or opposed to the request submitted by Doug Galbraith as File No. 190-8.)

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4. A resolution suspending the proposal by Atmos Energy Corporation, Mid-Tex Division, to implement interim Gas Reliability Infrastructure Program (GRIP) rate adjustments for gas utility investment in 2006, authorizing participation with the Atmos Cities Steering Committee (ACSC) in a review and inquiry into the sufficiency of the filing and the basis of the proposed rate adjustments, authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments, requiring reimbursement of reasonable legal and consultant ratemaking costs and requiring delivery of this resolution to the company and legal counsel.
5. A resolution ratifying execution of the Texas Department of Transportation's Standard Utility Agreement by the City Manager to include engineering design services for utility relocation of franchise and City-owned facilities for the LBJ (Mesquite Section) Phase Two project.
6. Bid No. 2007-066 – Annual Landscape Maintenance of the TxDOT High Visibility Interchanges.  
(Staff recommends the original contract with Dal Technologies, Inc., be terminated and the City Manager authorized to execute a contract with second low bidder Greener Pastures Landscape, Inc., in the amount of \$72,815.00.)
7. Bid No. 2007-086 – Installation of Detector Loops at Selected Signalized Intersections.  
(Staff recommends award to low bidder Roadway Solutions, Inc., in the amount of \$34,325.00.)
8. Bid No. 2007-088 – Annual Supply of Tires.  
(Staff recommends award to low bidders Southern Tire Mart in the amount of \$167,982.36 and Gray's Wholesale Tire in the amount of \$70,123.39 for a total amount of \$238,105.75.)
9. Ratify expenditure of \$27,512.00 to TDIndustries for installation of access gate controls at the Mesquite Metro Airport.
10. Authorize the City Manager to execute an agreement with Active Network without competitive bidding, in accordance with Section 252.022 of the Texas Local Government Code, to provide online registration and membership software systems for the Parks and Recreation Department in the amount of \$39,544.00.

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11. Authorize the Mayor to execute an agreement with MetroPCS to lease antennae space for wireless communications equipment on the Service Center tower.
12. Authorize staff to negotiate a contract for the award of RFP No. 2007-074, Annual Contract for the Installation and Operation of an Automated Traffic Signal Enforcement System, upon review of “best value” solicitation proposals by an evaluation panel and submit final contract to Council for approval.
13. Receive Change Order Report from City Manager.

### **OTHER BUSINESS**

14. Consider canceling and rescheduling the regular City Council meeting scheduled to be held September 17, 2007.
15. Consider canceling and rescheduling the regular City Council meeting scheduled to be held October 1, 2007.

### **PUBLIC HEARINGS**

16. Conduct a public hearing to consider Application No. 2007-5 and consider an ordinance amending Section 4-200 of the Mesquite Zoning Ordinance regarding procedures for review and approval of Planned Development site plans.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)
17. Conduct a public hearing to consider Application No. 810-29 submitted by Carter Steel Guitars and consider an ordinance for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow the assembly, sale and repair of steel guitars and accessories in addition to other uses allowed in the Village East Section 8 Replat, Block G, Lot 2. This property is further described as a 63,500-square-foot tract located at 617 West Kearney Street.  
(Three letters in favor of the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

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18. Conduct a public hearing to consider Application No. 1462-255 submitted by Quannah Hospitality Partners, L.P., and consider an ordinance for a zoning change from Planned Development – Light Commercial to Planned Development – Light Commercial with a Conditional Use Permit to allow a limited-service hotel in addition to other uses allowed in Skyline Village No. 37, Phase 3, Block B, Lot 1R-B. This property is further described as a two-acre tract located at 915 Windbell Circle.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
19. Conduct a public hearing to consider Application No. 1397-25 submitted by Rajan Thomas and consider an ordinance for a zoning change from Service Station to Planned Development – General Retail to allow minor auto repair and limited office and retail uses in addition to other uses allowed in part of the M. L. Swing Survey, Abstract No. 1397. This property is further described as a 0.2954-acre tract located at 910 North Galloway Avenue.  
(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 16, 2007, City Council meeting.)
20. Conduct a public hearing to consider Application No. NR4-13 submitted by Mohammed Kamal and consider an ordinance for a zoning change from Service Station to Planned Development – General Retail to allow minor auto repair in addition to other uses allowed in Northridge Estates No. 4 Addition, Block 53, Lot 2. This property is further described as a 0.325-acre tract located at 2003 North Galloway Avenue.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
21. Conduct a public hearing to consider Application No. 1-38 submitted by Dowdey Anderson & Associates on behalf of White Properties for a zoning change from Agricultural to Planned Development – Single Family Residential to allow single-family residential and supporting uses in the J. P. Anderson Survey, Abstract No. 1. This property is further described as a 270-acre tract located at the west corner of the East Cartwright Road and Lawson Road intersection.

**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. Graciela Aleman v. J. W. Abbott, Gary Westphal and the City of Mesquite – Filed 12-1-06
2. Marsha and Jerry Chambers v. State of Texas, County of Dallas, City of Mesquite, Jane/John Doe City of Mesquite Official in Individual Capacity, Officer D. R. McKee in Individual Capacity, Officer McKee in Official Capacity, Officer K. R. Griffin in Individual Capacity, Officer Griffin in Official Capacity, Jane Doe Dallas County District Attorney in Individual Capacity, Judge Danny Clancy in Individual Capacity – Filed 11-9-06
3. City of Mesquite, Texas v. DFW Convenience Stores, L.P., et al – Filed April 2006
4. Noble A. Craft v. the State of Texas, the cities of San Benito, Plano, Allen, Gainesville, Paducah, Dallas, Lancaster, Mesquite, Irving, University Park, et al – Filed 9-14-01
5. Dallas Independent School District v. Tivoli Realty, Inc.; City of Mesquite and County of Dallas – Filed 1-27-04
6. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
7. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
8. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
9. R. S. #1 Trust v. City of Mesquite – Filed 4-4-05
10. Some Park Partners LP v. City of Mesquite, City of Mesquite's Board of Appeals et al – Filed 3-23-05
11. Johnny Spencer v. City of Mesquite – Filed 2-6-07
12. Mesquite Metro Airport construction project issues.

**Real Property:**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, sale, exchange, lease or value of real property. The following subject may be discussed:

1. Acquisition of property in conjunction with the Berry Road Drainage Project.

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**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.

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).**