

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – JULY 7, 2008**

**Discuss the items on the Work and Regular Agenda and discuss: (1) the status of projects impacting Lawson Road, (2) proposed ordinance regarding pennants and pole signs, (3) proposed 2008-09 budgets for the Finance Department, Housing and Community Services Department and Airport, (4) employee and retiree medical plans and (5) proposed ordinances amending the Subdivision Ordinance, City Codes and Schedule of Administrative Fees.**

**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. Receive monthly financial report for April 2008.

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

**INVOCATION**

(Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.)

## **Agenda for City Council meeting**

**July 7, 2008**

**Page 2 of 7**

### **PLEDGE OF ALLEGIANCE**

(Karina Rojo, Samuel Rojo, Emily Lynch, Kyla Lynch and Baylie Newburn, participants in the Summer Reading Club at the Mesquite Public Library.)

### **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.)

### **PRESENTATION OF CERTIFICATE**

1. Presentation of Certificate of Election to Councilmember Al Forsythe, Place 2.

### **CITIZENS INPUT HEARING**

2. Conduct a public hearing to receive input from citizens regarding the proposed 2008-09 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.)

3. Minutes of the regular City Council meeting held June 16, 2008, and the Special City Council meeting held June 24, 2008.
4. An ordinance adopting the Alley Paving Petition Policy.
5. An ordinance amending Chapter 10 of the City Code regarding landscape maintenance.
6. An ordinance amending Chapter 13 of the City Code regarding billboards and monument signs.

**Agenda for City Council meeting**

**July 7, 2008**

**Page 3 of 7**

7. An ordinance amending Chapter 15 of the City Code regarding the method of payment for the 50/50 Cost Share Program to reconstruct or repair existing sidewalks, curbs, gutters and driveway approaches.
8. A resolution authorizing the City Manager to execute an agreement with Texas Department of Transportation to provide materials and services for traffic signals for the U.S. Highway 80 and Town East Boulevard Interchange Project.
9. A resolution authorizing the execution of the 2008 Byrne Justice Assistance Grant (JAG) Program funds sharing agreement between the County of Dallas and the cities of Dallas, Garland, Grand Prairie, Irving and Mesquite; authorizing the submittal of a joint grant application to the United States Department of Justice, Bureau of Justice Assistance; authorizing the execution of a fiscal agency agreement between the County of Dallas and the City of Mesquite, designating the City of Dallas as the applicant and fiscal agent of the joint grant application in the amount of \$11,732.32; concurring in the transfer of allocated funds; and designating a responsible officer to execute all documents associated with the grant.
10. Bid No. 2008-088 – City Lake Park Lake Spillway Repairs.  
(Staff recommends award to low bidder M&S Contractors in the amount of \$51,125.63, accepting a change order reducing the contract by \$4,500.00 and authorizing the City Manager to execute the necessary documents relating to the contract and change order.)
11. Bid No. 2008-094 – Annual Bid for Motor Vehicle Hydraulic Parts and Repairs.  
(Staff recommends award to Herco Equipment, Inc., through an Interlocal Agreement with the City of Irving in the total amount of \$70,000.00.)
12. Authorize the City Manager to execute a contract with Clarion Associates for creation of a Unified Development Code in an amount not to exceed \$192,280.00.
13. Authorize the City Manager to execute an amendment to a contract with Binkley & Barfield Consulting Engineers, Inc., for additional engineering and surveying services in conjunction with the 2007-08 Asphalt Street Reconstruction and Overlay Project in the amount of \$19,000.00.
14. Authorize the City Manager to execute Change Order No. 2 to City Contract No. 2007-004 with Rebcon, Inc., in conjunction with the Tripp Road Paving, Drainage, Water, Sanitary Sewer and Aesthetic Enhancement Project in the amount of \$36,693.00.
15. Authorize the City Manager to execute Amendment No. 4 to an engineering design services contract with Wilson & Company for renovation of five recreation facility parking lots in the amount of \$3,550.00.

**Agenda for City Council meeting**

**July 7, 2008**

**Page 4 of 7**

16. Authorize the City Manager to execute a lease with Mesquite Social Services for lease of the Jewell Westmoreland Social Services Building located at 1035 Military Parkway.

**PUBLIC HEARINGS**

17. A. Conduct a public hearing to consider the filing of grant applications with the Federal Transit Administration under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the Texas Department of Transportation for Elderly and Disabled Transportation Capital and Operating Assistance.
- B. Consider a resolution authorizing submission of grant applications with the Federal Transit Administration under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the Texas Department of Transportation and authorizing the City Manager to execute the applications.
18. A. Conduct a public hearing to consider amending Articles III, IV, VII and IX of the Mesquite Subdivision Ordinance establishing certain administrative processing fees, clarifying site improvements subject to inspection fees and establishing an expiration process for engineering plan submittal applications.
- B. Consider an ordinance amending Articles III, IV, VII and IX of the Mesquite Subdivision Ordinance.
19. Conduct a public hearing and consider an ordinance for Application No. EP-11 submitted by Alka Patel, Alka Enterprise, Inc., for a zoning change from Service Station to Planned Development-General Retail to allow the property to be used for the expansion of a convenience store in addition to other uses in Block A, Lot 1, Eastfield Plaza. This property is located at 3021 Big Town Boulevard at the southwest corner of Big Town Boulevard and John West Road.  
(One letter in favor of 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 June 2, 2008, and June 16, 2008, City Council meetings.)

## **Agenda for City Council meeting**

**July 7, 2008**

**Page 5 of 7**

20. Conduct a public hearing and consider an ordinance for Application No. 1462-261 submitted by Jim Lang, HQZ Partners, LP, for a zoning change from Light Commercial and Office to Planned Development-Mixed Use to allow the property to be used for retail, medical, residential, hotel and office uses in addition to other uses in Abstract 1462. This property is further described as a 60.31-acre tract located between Peachtree Road and IH 635, on the south side of Gross Road.  
(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 and consider an ordinance for Application No. 1462-262 for a zoning change from Office to General Retail to allow the property to be used for retail and office uses in addition to other uses in Abstract 1462. This property is further described as a 2.362-acre tract located at 2620 Gus Thomasson Road.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

22. Consider appointment of one member to the Mesquite Housing Board for a term to expire December 3, 2008.
23. Consider appointment of one member to the Mesquite Housing Finance Corporation for a term to expire December 31, 2009.
24. Consider appointment of one member to the Mesquite Health Facilities Development Corporation for a term to expire December 31, 2009.

### **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. Kathryn Blair, Individually and as Administrator of the Estate of Michael K. Wright and Hal Wright, Individually v. Alfonso Cardenas, M.C.; Mesquite Community Hospital n/k/a Dallas Regional Medical Center; Don Conn; Mesquite Police Department; City of Mesquite; Officer R. D. Parker; AEP-EMCARE Medical Group, Inc. and G. Kelly, R.N. – Filed 1-25-08
2. Brenita S. Dunn v. Connie S. Evans and the City of Mesquite – MTED – Filed 2-6-08

## **Agenda for City Council meeting**

**July 7, 2008**

**Page 6 of 7**

3. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
4. Karen Fernanders, Individually and as Next Friend of Kaland Fernanders v. Rochelle Renea Moore, Individually and as Next Friend of LaMarcus Lynn Allen Moore and/or LaMarcus Lynn Allen Moore, Individually and City of Mesquite – Filed 12-21-07
5. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
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. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
9. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
10. Johnny Spencer v. City of Mesquite – Filed 2-6-07
11. 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. Acquisition of property near Mesquite Metro Airport.

### **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.

## **Agenda for City Council meeting**

**July 7, 2008**

**Page 7 of 7**

### **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 projects. The following subjects may be discussed:

1. Prospect seeking to locate in the Skyline Industrial District.
2. Prospect seeking to locate near IH 30/Northwest Drive or U.S. Highway 80/Big Town Boulevard.
3. Prospect seeking to relocate in the Skyline Trade Center.

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).**