

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – MAY 19, 2008

Discuss the items on the Work and Regular Agenda and review: (1) 2008-09 budget outlook; (2) 2008-09 budget for Mesquite Quality of Life Corporation and Capital Improvements Program and (3) Five-Year Plan for the Fire Department.

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.)**

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

A. Receive monthly financial report for March 2008.

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

INVOCATION

(Russell Bennett, Pastor, Agape Bible Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Fernando Olvera, Matthew Hortman and Estaphania Marquez, fourth grade students from Galloway Elementary School.)

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.)

APPOINTMENT FOR PERSONAL APPEARANCE

1. A. Appointment – Representative of RBC Capital Markets.
(A representative of RBC Capital Markets will review pricing for the issuance and sale of bonds.)
- B. Consider an ordinance authorizing the issuance of City of Mesquite, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2008, approving an official statement, authorizing the execution of a purchase agreement, making provisions for the security thereof, and ordaining other matters relating to the subject.
- C. Consider an ordinance authorizing the issuance of City of Mesquite, Texas, Public Property Finance Contractual Obligations, Series 2008, approving an official statement, authorizing the execution of a purchase agreement, making provisions for the security thereof, and ordaining other matters relating to the subject.
- D. Consider an ordinance authorizing the issuance of City of Mesquite, Texas, General Obligation Refunding Bonds, Series 2008, approving an official statement, authorizing the execution of a purchase agreement and an escrow agreement, making provisions for the security thereof, and ordaining other matters relating to the subject.
- E. Consider an ordinance authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2008, approving an official statement, authorizing the execution of a purchase agreement and an escrow agreement, making provisions for the security thereof and enacting provisions relating to the reserve fund for said bonds, and ordaining other matters relating to the subject.

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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.)

2. Minutes of the regular City Council meeting held May 5, 2008.
3. An ordinance amending Chapter 10 of the City Code regarding junked vehicles.
4. An ordinance amending Chapter 15 of the City Code regarding the duty of an abutting property owner to reconstruct or repair existing sidewalks, curbs, gutters and driveway approaches and establishing policies and procedures for administration of the 50/50 Cost Share Program for replacing existing sidewalks, curbs, gutters and driveway approaches.
5. An ordinance amending Chapter 16 of the City Code regarding the Water Conservation Plan and Drought Contingency Plan.
6. An ordinance amending the Atmos Energy Corporation, Mid-Tex Division, gas franchise agreement to increase the franchise fee from four percent to five percent.
7. An ordinance providing for an additional penalty in the amount of twenty percent (20%) on delinquent ad valorem taxes, penalty and interest due and delinquent on and after July 1 of the year in which the same became delinquent.
8. An ordinance adopting the 2007-08 amended budget.
9. An ordinance adopting the Alley Paving Petition Policy.
10. A resolution authorizing the Mayor to execute a Project Supplemental Agreement with Dallas County in conjunction with the U. S. Highway 80 and Town East Boulevard Interchange Project.
11. Bid No. 2008-074 – Annual Purchase of Recycling Bins.
(Staff recommends award to low bidder Otto Environmental Systems (AZ), LLC, in the amount of \$74,002.50.)
12. Authorize the City Manager to execute a Professional Engineering Services Contract with Wilson & Company for design of the Motley Drive Reconstruction Project in the amount of \$532,705.80.

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13. Authorize the City Manager to execute an amendment to the Police Facility/City Hall Expansion Project, Phase 2 contract with Brinkley Sargent Architects in the amount of \$188,381.00 for additional design services to obtain Leadership in Energy and Environmental Design (LEED) certification.
14. Authorize the Mayor to execute an extension to the Commercial and Industrial Refuse Collection Agreement with Allied Waste Systems extending the current agreement through December 31, 2008.
15. Approve petition request for the installation of speed bumps in the alley between 1301 Farley Drive and 1305 Farley Drive from 1316 Choctaw Drive to 3228 Hastings Drive.
16. Receive Change Order Report from City Manager.

PUBLIC HEARINGS

17. Conduct a public hearing for Application No. 1462-260 submitted by Michael Ray Hunt for a zoning change from General Retail to Commercial in the Daniel Tanner Survey, Abstract No. 1462 between I 635 and North Galloway Avenue along the service road on the south side of U. S. Highway 80. This property is located at 1402 East U. S. Highway 80.
18. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2008-2 amending Sections 3-100, 3-200, 3-300 and 3-600 of the Mesquite Zoning Ordinance creating a new zoning classification to be known as the Civic District (CV).
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the zoning text amendment.)
19. Conduct a public hearing and consider an ordinance for Application No. NR1-6 for a zoning change from Planned Development-General Retail, General Retail, Office and R3 Single-Family Residential to Civic, for various City-owned properties including the Municipal Center, the Mesquite Arts Center and related parking located in the 1500 block of North Galloway Avenue.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the amendment.)

OTHER BUSINESS

20. Consider canceling and rescheduling the regular City Council meeting scheduled to be held September 1, 2008, due to the Labor Day holiday.

APPOINTMENTS TO BOARDS AND COMMISSIONS

21. Consider appointment of one regular member to the Building Standards Board for a term to expire January 1, 2009.
22. Consider appointment of four members to the Mesquite Youth Services, Inc., Board of Directors for terms to expire May 31, 2010.
23. Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2010.
24. Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on June 3, 2008, at 10:30 a.m.

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. City of Mesquite, Texas v. DFW Convenience Stores, L.P., et al – Filed April 2006
3. Brenita S. Dunn v. Connie S. Evans and the City of Mesquite – MTED – Filed 2-6-08
4. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
5. 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
6. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
7. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
8. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06

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9. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
10. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
11. Johnny Spencer v. City of Mesquite – Filed 2-6-07
12. 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

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).