

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM

711 NORTH GALLOWAY

1:00 P.M. – DECEMBER 7, 2009

Discuss the items on the Regular Agenda and receive an update regarding a hangar/maintenance facility at Mesquite Metro Airport. Discussed. It was Council consensus to proceed with plans for the facility contingent upon Barr Air executing a long-term lease to occupy the hangar/office space

EXECUTIVE SESSION – 1:00 P.M.

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.)**
- (3) **COMMERCIAL OR FINANCIAL INFORMATION REGARDING A BUSINESS PROSPECT OR PROJECT (See Notice of Executive Session – Economic Development for Subjects.)**

REGULAR CITY COUNCIL MEETING

CITY COUNCIL CHAMBER

3:00 P.M.

INVOCATION

(John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Recreation After School Program participants from Rutherford Recreation Center.)

SPECIAL ANNOUNCEMENTS

None.

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 November 16, 2009.
Approved.
2. An ordinance revising Chapter 15 of the General Government Policies and Procedures Manual by adding a new Section 15.4(5) regarding Catastrophic Family Sick Leave Donation Policy. **Approved by Ordinance No. 4072.**
3. An ordinance providing for flexibility in staffing in the Fire Department Fire Prevention Division and specifically repealing Ordinance No. 3194. **Postponed until the December 21, 2009, City Council meeting.**
4. Bid No. 2010-024 – City Hall Expansion Phase 2, Utility Improvements.
(Staff recommends the City Manager be authorized to execute the necessary documents with low bidder Muniz Construction, Inc., in the amount of \$194,324.50.) **Awarded as recommended.**
5. Authorize the City Manager to execute a change order with Environmental Reconstruction Services, Inc., for City Contract No. 2009-100, Installation and Containment System for Underground Storage with Concrete Replacement, in the amount of \$9,288.46 for additional repairs and services. **Approved.**
 - A. A resolution calling a public hearing to be held on December 21, 2009, at 3:00 p.m., regarding the creation of Reinvestment Zone No. Twenty for tax abatement for property located at Emporium Square. **Approved by Resolution No. 42-2009.**

PUBLIC HEARINGS

6. Conduct a public hearing and consider an ordinance 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.) **Postponed until the January 19, 2010, City Council meeting.**

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APPOINTMENTS TO BOARDS AND COMMISSIONS

7. Consider appointment of four members to the Historic Mesquite, Inc., Board of Directors, for terms to expire December 31, 2012 Emily Tosch, Lynn Rockwood, Stephen Fagin and Kimberly Holloway were reappointed as members of the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2012.
8. Consider appointment of four members to the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors for terms to expire December 31, 2011, and appointment of a Chairperson to serve a one-year term beginning January 1, 2010. Dennis Tarpley, Shirley Roberts, Don Simons, and John Monaco were reappointed as members of the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors for terms to expire December 31, 2011 and Dennis Tarpley was appointed as Chairperson to serve a one-year term beginning January 1, 2010.

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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
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. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
7. Govind Group Corporation v. the City of Mesquite, Texas; the Building Standards Board of the City of Mesquite, Texas; Ron Hall, Patrick Reyes, James T. Wofford, Richard G. Walker, Jr., Cecil Mackey, Sam Motley and

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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

8. 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
9. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09

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.

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 subject may be discussed:

1. Economic development incentives for renovation of a retail development within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two. **Discussed. See Consent Agenda Item No. 5A for action taken.**
2. Economic development incentives for a residential development located within the Town East Retail and Restaurant Area. **Discussed.**
3. Economic development incentives for a medical office building located on North Galloway Avenue. **Discussed.**

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).