

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**11:30 A.M. – NOVEMBER 5, 2007**

**Discuss the items on the Work and Regular Agenda and discuss: (1) proposed amendments to Section 10-127 of the City Code regarding the condition of premises, (2) proposed amendments to Section 5-468 of the City Code regarding the Rental Certificate-of-Occupancy Program and (3) proposed intersections for installation of Automated Traffic Enforcement System equipment.**

**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) **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 August 2007.
- B. Receive Investment Report for the quarter ending September 30, 2007.
- C. Receive briefing from Burson-Marsteller regarding a strategic marketing plan.

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

**INVOCATION**

(William Sipes, Pastor Emeritus, North Mesquite Assembly of God, Mesquite, Texas.)

**PLEDGE OF ALLEGIANCE**

(Jocelyn Cortez, Christopher Shepard, Colby Liller and Mylinn Yeefoon, fourth grade students from Florence Black Elementary School.)

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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.)

### **ELECTION AND INSTALLATION OF MAYOR**

1. A. Elect Councilmember John Monaco as Mayor to fill the vacancy created by the resignation of former Mayor Mike Anderson on August 20, 2007, to serve in such capacity until the next municipal election scheduled to be held May 10, 2008, in accordance with Article IV, Section 10 of the City Charter.
- B. Installation of newly elected Mayor.

### **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 October 15, 2007.
3. An ordinance amending Chapter 2 of the Code of the City of Mesquite establishing the authorization and use of the City logo.
4. A resolution supporting and acknowledging the City's Homeland Security Grant Program award in the amount of \$723,392.00 and authorizing the Fire Chief as the responsible officer for the purpose of signing all subordinating documents associated with the grant.
5. Bid No. I098-2007 – Annual Contract for the Sale and Relocation of Balled and Burlaped Trees from the City of Mesquite's Tree Farms.  
(Staff recommends the City Manager be authorized to execute a contract with Fannin Tree Farm in the amount of \$67,880.00.)

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6. Bid No. 2008-003 – Annual Supplemental Litter Control on the TxDOT Corridor Maintenance Areas.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder 4D Property Maintenance in the amount of \$134,840.60.)
7. Bid No. 2008-011 – Annual Supply of Garbage Can Liners.  
(Staff recommends award to low bidder Central Poly Corporation in the amount of \$173,408.40.)
8. Bid No. 2008-024 – Purchase of Water Main Supplies and Accessories for Various Street Locations.  
(Staff recommends award to low bidder Municipal Water Works Supply, L.P., in the amount of \$74,442.00.)
9. Bid No. 2008-036 – Five 4-Door Sedans.  
(BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, recommends award to Caldwell Country Chevrolet in Caldwell, Texas, in the amount of \$83,180.00.)
10. Bid No. 2008-039 – 14-Foot Extendible Backhoe and Loader.  
(Staff recommends award to Landmark Equipment Company in Irving, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program in the amount of \$58,839.55.)
11. Authorize the City Manager to execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP).

## **PUBLIC HEARINGS**

12. Conduct a public hearing to consider Application No. 2007-7 and consider an ordinance amending the Mesquite Zoning Ordinance establishing a quorum and adding a provision for training for the Planning and Zoning Commission.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)
13. Conduct a public hearing to consider Application No. 1059-62 submitted by EDG Architects on behalf of Royal Car Wash and Lube and consider an ordinance amending Planned Development Ordinance No. 2346 on property currently zoned Planned Development – Service Station to Planned Development – Commercial to allow the property to be used for a car wash and automobile quick lube business in addition to other uses allowed in the Commercial District on Block A, Lot 4, The Emporium, Phase 1. This property is further described as a 0.94-acre tract located at 1511 North Town East Boulevard.

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(One person appeared in favor of the proposed amendment at the hearing before the Planning and Zoning Commission. The Commission recommends approval of the application with certain stipulations.)

14. A. Conduct a public hearing and consider an ordinance amending the Comprehensive Plan to create and modify neighborhood-related land use and development policies.
- B. Conduct a public hearing to consider Application No. 2007-6 and consider an ordinance amending the Zoning Ordinance by creating a new zoning classification to be known as the Truman Heights Neighborhood District (THN) which shall incorporate the Truman Heights Revitalization Code containing new or amended procedural requirements, standards for site design and regulations affecting building form, building design, setbacks, parking, signage, landscaping and permitted uses.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)
- C. Conduct a public hearing to consider Application Nos. 486-17, 1256-7 and 1462-253 and consider an ordinance rezoning all properties with frontage on the southwest right-of-way line of North Galloway Avenue from U.S. Highway 80 to and including the south corner of the intersection of North Galloway Avenue and Hillcrest Street, inclusive of all tracts abutting such properties that are currently used for non-residential purposes and all properties located within Census Tract 177.02, Block Group 3, which is bounded by North Galloway Avenue, Hillcrest Street and U.S. Highway 80, from their current zoning classifications to the new Truman Heights Neighborhood District.  
(Five letters in favor and three letters in opposition to the proposed amendment have been received. Three persons appeared in favor and four persons appeared in opposition to the proposed amendment at the hearing before the Planning and Zoning Commission. The Commission recommends approval of the application.)

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

15. Consider appointment of a Deputy Mayor Pro Tem to serve until the May 10, 2008, municipal election.
16. Consider appointment of one member to the Personnel/Trial Board for a term to expire November 7, 2010, who will also serve on the Civil Service Commission.

**Adjournment.**

### **NOTICE OF EXECUTIVE SESSION**

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### **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. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
6. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
7. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
8. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
9. Johnny Spencer v. City of Mesquite – Filed 2-6-07
10. 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.

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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).**