

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – JANUARY 20, 2009**

**Discuss the items on the Work and Regular Agenda and discuss: (1) concept plans for City-owned property located in the Town East Retail and Restaurant Area (TERRA) and (2) proposed construction plans for the City Hall/Municipal Court project.**

**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 September 2008.
- B. Receive Investment Report for the quarter ending December 31, 2008.

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

**INVOCATION**

(Bruce Archer, Pastor, At The Cross Church of Christ, Mesquite, Texas.)

**PLEDGE OF ALLEGIANCE**

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

**SPECIAL ANNOUNCEMENTS**

(This time is reserved for special announcements and recognition of individuals or groups.)

## **Agenda for City Council meeting**

**January 20, 2009**

**Page 2 of 5**

### **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.)

### **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 January 5, 2009.
2. An ordinance amending Chapter 5 of the City Code regarding certain permit fee exemptions for building construction and remodeling.
3. An ordinance amending Chapter 11 of the City Code regarding grading permits, permit fees and deposits.
4. A resolution approving the terms and conditions of a program with CAPSTAR Real Estate Advisors, Inc., to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District and authorizing the City Manager to execute the necessary documents.
5. RFP No. 2009-040 – Purchase of a Mobile Communications Trailer.  
(Staff recommends all bids be rejected and rebid at a later date.)
6. Bid No. 2009-064 – Annual Contract for Cold Milling Machine with Operator and Helper.  
(Staff recommends award to Dustrol, Inc., through an interlocal cooperative purchasing agreement with Tarrant County, in an amount not to exceed \$75,000.00.)
7. Bid No. 2009-073 – Northridge Addition Sanitary Sewer Lining Under IH 635.  
(Staff recommends the City Manager be authorized to execute a contract with Insituform Technologies, Inc., through BuyBoard, sponsored by the Texas Local Government Purchasing Cooperative Contract, in the amount of \$63,133.60.)

## Agenda for City Council meeting

January 20, 2009

Page 3 of 5

8. Authorize the City Manager to execute Amendment No. 2 to Contract No. 27-7670 with Fugro Consultants, Inc., for construction materials testing for the Mesquite Police Building project in the amount of \$5,284.00.
9. Receive Change Order Report from City Manager.  
(CE 27-7215, Art Center Parking Lot Expansion and Utility Relocation Project, Engineering Design Contract – \$1,092.12; CE 28-8480, Pioneer Road Acquisition Service – \$0.00; and CE 2008-028/28-8200, Annual Landscape Maintenance of Creek Crossing Medians and Landscape Areas – \$2,240.00.)

### PUBLIC HEARINGS

10. Conduct a public hearing for Application No. 1095-47A submitted by Gamestop, Inc., and consider an ordinance for a zoning change from Commercial with TERRA overlay to Commercial with TERRA overlay with a Conditional Use Permit to allow the sale of used DVDs, videos, video games and video gaming equipment in an expanded lease space of 1,380 square feet. This property is further described as part of a 28-acre tract in Abstract 1095, Sheet 1, Tract 3, located at 2050 and 2051 Town East Mall.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
11. Conduct a public hearing for Application No. 1462-263 submitted by Carolyn Miller and consider an ordinance for a zoning change from General Retail to Planned Development – General Retail to allow the property to be used for a heating and air conditioning business. This property is further described as part of the Miles Smith Survey, Block A, Lot 15, located at 1320 E. US Highway 80.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
12. Conduct a public hearing for Application No. 944-1 submitted by Tommy Mann and Kirk Williams, Winstead PC, and consider an ordinance for a zoning change from R-1 Single Family and Agricultural to Planned Development – Mixed Use on Tract 1 and from Agricultural to Planned Development - Mixed Use on Tract II in the E.T. Myers Survey, Abstract 944. This property is further described as a 12.79-acre tract located at the northwest corner of Greenbelt Parkway and IH 30.  
(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. Consideration of this application was postponed at the November 3, 2008, December 1, 2008, and December 15, 2008, City Council meetings.)

**APPOINTMENT TO BOARDS AND COMMISSIONS**

13. Consider appointment of one member to the Mesquite Industrial Development Corporation for a term to expire January 28, 2012.

**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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
2. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
3. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
4. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
5. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
6. 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
7. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble b , 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
8. City of Mesquite v. B.J. & B.M. Investments, Inc., a Texas corporation, dba Inn on the Creek and Bharatkumar Patel aka Bobby Patel (Manager) – Filed 10-24-08
9. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

**Agenda for City Council meeting**

**January 20, 2009**

**Page 5 of 5**

**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)**