

## **ACTION AGENDA**

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

**Discuss the items on the Regular Agenda and receive briefing regarding on catalyst projects within the North Gus Thomasson Corridor.**

Discussed. It was Council consensus to utilize the services of Robin McCaffrey (on an hourly fee basis) to work with the property owners within the North Gus Thomasson Corridor.

### **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.)**

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

#### **INVOCATION**

(Ron Ward, Pastor, The Church Without Walls, Mesquite, Texas.)

#### **PLEDGE OF ALLEGIANCE**

(Jesse Lay, Kaira Lay and Michaela Lay, participants in the Summer Reading Club at the Mesquite Public Library.)

#### **SPECIAL ANNOUNCEMENTS**

None.

#### **CITIZENS FORUM**

None.

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### CITIZENS INPUT HEARINGS

1. Conduct a public hearing to receive input from citizens regarding the proposed 2009-10 City budget. Public hearing held.
2. Conduct a public hearing to receive input from citizens regarding proposed service changes to the Mesquite Transportation for the Elderly and Disabled (MTED) program. Public hearing held. An announcement was made that no changes would be made to Mesquite Transportation for the Elderly and Disabled (MTED) program at this time.

### 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 July 6, 2009. Approved.
4. An ordinance authorizing revised natural gas rates for Atmos Energy Corp., Mid-Tex Division. Approved by Ordinance No. 4055.
5. Authorize the City Manager to execute a contract with Binkley & Barfield Consulting Service for engineering services in conjunction with the Concrete Street Rehabilitation Project (Gus Thomasson Road from Interstate 30 to US Highway 80) in the amount of \$84,200.00. Approved.
6. Authorize the City Manager to execute Change Order No. 5 to City Contract No. 2007-004 with Rebcon, Inc., for various construction costs in conjunction with the Tripp Road Paving, Drainage, Water, Sanitary Sewer and Aesthetic Enhancement Project in the amount of \$148,901.72. Approved.

### CONSIDERATION OF AN AGREEMENT

7. Consider approving the terms and conditions of a program with BIB Partners, LP, dba Mesquite Crossing to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement in conjunction with property located within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.  
(This item was postponed at the July 6, 2009, City Council meeting.)  
Approved.

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### **PUBLIC HEARINGS**

8. 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. **Public hearing held.**
- 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. **Approved by Resolution No. 24-2009**
9. Conduct a public hearing and consider an ordinance for Application No. 342-14A-2009 submitted by James Belt for a zoning change from Commercial – Military Parkway/Scyene Corridor Overlay to Commercial Military Parkway/Scyene Corridor Overlay with a Conditional Use Permit to allow the property to be used for an indoor sports instruction facility. This property is further described as an 11,000-square-foot lease space, located at 1210 West Scyene Road, Suite A.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)  
**Public hearing held. Approved by Ordinance No. 4056 with an added stipulation.**

### **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. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
2. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
3. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
4. 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

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5. 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 Intervenor 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 Intervenor – Filed 4-18-07
6. 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
7. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
8. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
9. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
10. Liberty Legal Institute's January 22, 2009, letter asserting a notice of rights and claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA)

### **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.

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).**