

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – SEPTEMBER 15, 2008**

**Discuss the items on the Work and Regular Agenda and discuss: (1) contract negotiations with Allied Waste, (2) aesthetics for Peachtree Towne Center bridge, (3) proposed development agreement with 269 Kaufman Partners for a mixed-use development in the extraterritorial jurisdiction and (4) update regarding the 2009 Real. Texas. Festival.**

**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) **PURCHASE, EXCHANGE, LEASE OR VALUE OF PUBLIC PROPERTY (See Notice of Executive Session – Real Property for Listing of Subjects.)**
- (3) **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 update from MESA Design Group regarding the I-30 Gateway Project.
- B. Receive monthly financial report for July 2008.

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

**INVOCATION**

(To be determined.)

**PLEDGE OF ALLEGIANCE**

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

## **Agenda for City Council meeting**

**September 15, 2008**

**Page 2 of 6**

### **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 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 September 2, 2008.
2. An ordinance amending Chapter 5 of the City Code establishing an annual fee for backflow prevention assembly device inspections.
3. A resolution adopting an Investment Policy.
4. A resolution endorsing a three-year grant for the Speed Selective Traffic Enforcement Project with the Texas Department of Transportation and authorizing the City Manager to execute the necessary documents.
5. Bid No. 2008-051 – Installation of Traffic Signal and Intersection Improvements at Town East Boulevard and North Galloway Avenue.  
(Staff recommends all bids be rejected and rebid at a later date.)
6. Bid No. 2008-098 – Annual Supply of Garbage Can Liners.  
(Staff recommends award to Dyna Pak Corporation in the amount of \$224,900.00.)
7. Bid No. 2009-012 – Annual Radio Maintenance Contract.  
(Staff recommends the City Manager be authorized to execute a contract with sole source provider Motorola, Inc., in the amount of \$302,856.72.)

## **Agenda for City Council meeting**

**September 15, 2008**

**Page 3 of 6**

8. Bid No. 2009-022 – Purchase of Replacement Light and Air Truck for Fire Department.  
(Staff recommends award to Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$426,320.00.)
9. Authorize the City Manager to execute the 2009 premium renewal agreement with CIGNA Dental providing employee/retiree DPPO and DHMO Dental Plans effective January 1, 2009.
10. Authorize the City Manager to execute the 2009 Self-Insured Medical Plan Administrative Services Only (ASO) and Prescription Drug Benefits renewal agreement with CIGNA Healthcare, Inc., providing employee/retiree OAP and HMO Group Medical Plans effective January 1, 2009.
11. Authorize the City Manager to execute Change Order No. 3 to City Contract No. 2007-004 with Rebcon, Inc. in conjunction with the Tripp Road Paving, Drainage, Water, Sanitary Sewer and Aesthetic Enhancement Project in the amount of \$33,920.00.
12. Authorize the City Manager to execute an agreement with the Mesquite Chamber of Commerce for professional services.
13. Authorize the Police Chief to execute a Community Cooperative Working Agreement with Kaufman County regarding a Sexual Assault Response Team.
14. Receive Change Order Report from City Manager.

## **PUBLIC HEARINGS**

15. Conduct a public hearing and consider an ordinance for Application No. 1461-97B submitted by Tony Wagner, Danny Tosh Management, amending PD No. 2506 Planned Development – Service Station on a 40,000-square-foot lot to allow sale of diesel fuel. This property is further described as Prairie Hills Retail, Block 1, Lot 1, located at 1145 IH 30.  
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

## Agenda for City Council meeting

September 15, 2008

Page 4 of 6

16. Conduct a public hearing and consider an ordinance for Application No. SK-6 submitted by Maria Aranda for a Conditional Use Permit on property currently zoned Planned Development – General Retail on a 775-square-foot lease space to allow the sale of used merchandise. This property is further described as Skyline Retail, Block 1, Lot 33, located at 2033 Military Parkway, Suite 100A.  
(One person appeared in opposition to the proposed amendment at the hearing before the Planning and Zoning Commission. The Commission recommends denial of the application.)
17. Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2008-6 amending Section 2-700 of the Mesquite Zoning Ordinance creating new regulations governing home occupations and adding certain professional services licensed or registered by the State of Texas as permitted uses.  
(Two persons 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. This item was postponed at the August 18, 2008, City Council meeting.)

### OTHER BUSINESS

18. A. Consider passage of the following ordinances relating to the 2008-09 budget:
  - (1) An appropriation ordinance.
  - (2) An ordinance adopting revisions to the 2007-08 amended budget.
  - (3) An ordinance designating the official population of the City of Mesquite, Texas, as 137,539.
  - (4) An ordinance setting the residential solid waste rate, effective October 1, 2008.
  - (5) a. An ordinance setting water rates, effective October 1, 2008.  
b. An ordinance setting sewer rates, effective October 1, 2008.
  - (6) An ordinance adopting the 2008-09 Pay Plans, effective September 20, 2008.
- B. An ordinance amending the schedule of fees for various Parks and Recreation services, effective October 1, 2008.
- C. Consider an ordinance levying the ad valorem taxes for the year 2008.

**Agenda for City Council meeting**

**September 15, 2008**

**Page 5 of 6**

- D. Approve Amendment Nos. 1 through 7 to the 2007-08 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$374,631.00.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

19. Consider appointment of three regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2010, and one alternate member for a term to expire September 15, 2010, and one member to the Capital Improvements Advisory Committee for a term to expire September 30, 2010.
20. Consider appointment of one alternate member and one reserve alternate member to the Board of Adjustment for terms to expire January 1, 2009, and one alternate member and one reserve alternate member for terms to expire January 1, 2010.
21. Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2009.

**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. 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. 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.

**Agenda for City Council meeting**

**September 15, 2008**

**Page 6 of 6**

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

**Real Property:**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, exchange, lease or value of real property. The following subject may be discussed:

1. Acquisition of property adjacent to 300 West Kearney Street.

**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)**