

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**11:30 A.M. – SEPTEMBER 18, 2007**

**Discuss the items on the Work and Regular Agenda and discuss: (1) proposed amendments to Section 5-144 of the City Code regarding fence materials and (2) election process outlined in Article IV, Section 10 of Mesquite City Charter.**

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

**CITY COUNCIL – STAFF WORK SESSION**  
**CITY COUNCIL CHAMBER**  
**1:00 P.M.**

- A. Receive monthly financial report for July 2007.

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

**INVOCATION**

(Steve Blaum, Pastor, Mesquite Cumberland Presbyterian Church, Mesquite, Texas.)

**PLEDGE OF ALLEGIANCE**

(RASP [Recreation After School Program] participants from Goodbar Recreation Center.)

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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.)

### **APPOINTMENTS FOR PERSONAL APPEARANCE**

1. Shirley Ray Thomas, 2405 Autumndale Drive, Mesquite, Texas.  
(Ms. Thomas will request the Council consider placing all utilities underground along Tripp Road, from Belt Line Road to North Galloway Avenue, as the street is widened.)
2. A. One Mesquite Creek, L.P., a Texas Limited Partnership, 832 South Carrier Parkway, Suite 100, Grand Prairie, Texas.  
(A representative of One Mesquite Creek, L.P., will request the Council consider participating in the cost to install drainage improvements in conjunction with development of The Villas at Mesquite Creek Apartments located on Gross Road.)  
  
B. Consider an ordinance authorizing the City Manager to execute a Developer's Participation Agreement with One Mesquite Creek, L.P., a Texas limited partnership, for construction of an off-site drainage concrete box culvert in conjunction with The Villas at Mesquite Creek Apartments in an amount not to exceed \$250,000.00.

### **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 September 4, 2007.
4. An ordinance adopting a Debt Management Policy.

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5. An ordinance authorizing the City Manager to execute a Developer's Participation Agreement with One Mesquite Creek, L.P., a Texas limited partnership for construction of a 15-inch sanitary sewer main in conjunction with The Villas at Mesquite Creek Apartments in an amount not to exceed \$185,924.00.
6. A resolution adopting the Investment Policy.
7. A. A resolution approving an Election Agreement and Election Services Contract with the Dallas County Elections Department for the Special Election/Local Option Election to be held November 6, 2007.  
  
B. A resolution approving an Election Agreement and Election Services Contract with the Kaufman County Elections Department for the Special Election/Local Option Election to be held November 6, 2007.
8. A resolution appointing a representative to Dallas County Elections Department's Early Voting Ballot Board for the November 6, 2007, Special Local Option Election.
9. A resolution establishing precincts and the location of polling places in Dallas and Kaufman Counties for the November 6, 2007, Special Local Option Election.
10. A resolution authorizing execution of an Interlocal Cooperative Purchasing Agreement with the City of Allen allowing the purchase of various goods and services.
11. A resolution authorizing the City Manager to execute an interlocal agreement with Dallas County in conjunction with the Dallas Area Household Hazardous Waste Network for fiscal year 2007-08 in an amount not to exceed \$78,500.00 with renewal options for four additional one-year terms.
12. RFP No. 2007-085 – Purchase and installation of a new radio communications tower.  
(Staff recommends the City Manager be authorized to execute a contract with low bidder Sabre Communications Corporation in the amount of \$68,474.00.)

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13. RFP No. 2008-004 – Administrative Services for CIGNA Group Medical Plans for 2008.  
(Staff recommends the City Manager be authorized to execute the 2008 administrative fee renewal agreement with CIGNA HealthCare, Inc., serving as the Network Provider and Third Party Administrator for the Basic OAP, HRA-OAP and HMO medical plans effective January 1, 2008.)
14. RFP No. 2008-005 – CIGNA Dental Plans for 2008.  
(Staff recommends the City Manager be authorized to execute the 2008 premium renewal agreement with CIGNA Dental providing employee/retiree DPPO and DHMO Dental Plans effective January 1, 2008.)
15. RFP No. 2008-007 – Casualty Insurance renewal for 2007-08 policy year.  
(Staff recommends the City Manager be authorized to execute the casualty lines of coverage with Texas Municipal League – Intergovernmental Risk Pool effective October 1, 2007.)
16. Bid No. 2008-023 – Annual Radio Maintenance.  
(Staff recommends the City Manager be authorized to execute a contract with Motorola, Inc., in the amount of \$291,100.32.)
17. Consider appointment of Dr. Jessie Doyal as the Coordinating Physician for the Mesquite Public Health Clinic for a one-year term to expire September 30, 2008.
18. Authorize the City Manager to execute Change Order No. 3 to City Contract No. 2006-033 with Glenn Thurman, Inc., in conjunction with the Edwards Church Road Improvement Project in the amount of \$39,116.00.
19. Authorize the City Manager to execute an engineering design services contract with Binkley & Barfield, Inc., for the Concrete Thoroughfare Pavement Repair Project in the amount of \$191,000.00.
20. Authorize the City Manager to execute an engineering design services contract with C&P Engineering, Ltd., for the Northridge Addition Sanitary Sewer Rehabilitation Project, Phases 1, 2 and 3 in the amount of \$667,730.00.

**PUBLIC HEARINGS**

21. A. Conduct a public hearing to consider a program with Sun Life of Canada, L.L.C., to promote economic development and stimulate business and commercial activity.

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- B. Consider a resolution approving the terms and conditions of a program with Sun Life of Canada, L.L.C., to promote economic development and stimulate business and commercial activity and authorizing the City Manager to execute the agreement.
- 22. A. Consider passage of the following ordinances relating to the 2007-08 budget:
  - (1) An appropriation ordinance.
  - (2) An ordinance designating the official population of the City of Mesquite, Texas, as 136,750.
  - (3) a. An ordinance setting water rates, effective October 1, 2007.  
b. An ordinance setting sewer rates, effective October 1, 2007.
  - (4) An ordinance setting the residential solid waste rate, effective October 1, 2007.
  - (5) An ordinance increasing the number of positions in the Police Department in the classification of police officer from 183 to 188, effective October 1, 2007.
  - (6) An ordinance increasing the number of positions in the Fire Department in the classification of Lieutenant from 17 to 20; increasing the number of positions in the classification of Driver-Engineer from 30 to 33; and decreasing the number of positions in the classification of Firefighter from 116 to 110, effective October 1, 2007.
  - (7) An ordinance adopting the 2007-08 Pay Plans, effective September 22, 2007.
- B. Consider an ordinance levying the ad valorem taxes for the year 2007.
- C. An ordinance ratifying the increase in property tax revenue in the fiscal year 2007-08 budget.

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- D. Approve Amendment Nos. 1 through 6 to the 2006-07 Police Seizure Budget in compliance with Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$661,371.00.
23. Conduct a public hearing to consider Application No. 1419-2 submitted by Baldwin & Associates on behalf of an unknown end-user and consider an ordinance for a zoning change from Commercial to Industrial at Commerce East Business Park, Block A, Lots 7 and 10. This property is further described as a 2.525-acre tract located at 1906 and 1908 Eastover Drive.  
(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)
24. Conduct a public hearing to consider Application No. 1462-256 submitted by Sami Sharif and consider an ordinance for a zoning change from Industrial to Planned Development – Industrial to allow the property to be used for a convenience store and restaurant with multiple fuel pumps in addition to other uses allowed at Skyline Business Park, Section 2, Block D, Lot 4, Daniel Tanner Survey, Abstract 1462. This property is further described as a 4.29-acre tract located on the north corner of South Town East Boulevard and Forney Avenue.  
(Seven letters in favor and three letters in opposition to the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

**OTHER BUSINESS**

25. Consider scheduling a special City Council meeting to canvass the returns for the November 6, 2007, Special Local Option Election.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

26. Consider appointment of one member to the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for a term to expire December 31, 2008, and appointment of a Chairperson for a term to expire December 31, 2008.

**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. 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. Dallas Independent School District v. Tivoli Realty, Inc.; City of Mesquite and County of Dallas – Filed 1-27-04
6. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
7. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
8. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
9. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
10. R. S. #1 Trust v. City of Mesquite – Filed 4-4-05
11. Some Park Partners LP v. City of Mesquite, City of Mesquite's Board of Appeals et al – Filed 3-23-05
12. Johnny Spencer v. City of Mesquite – Filed 2-6-07
13. 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

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**Real Property:**

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

1. Sale of property located at 1505 Edwards Church Road.

**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.

**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. An Economic Development Program.

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).**