

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
11:30 A.M. – DECEMBER 17, 2007

Discuss the items on the Regular Agenda and discuss proposed studies in the Long Branch drainage basin.

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

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

INVOCATION

(To be determined.)

PLEDGE OF ALLEGIANCE

(Taylor Quinn, Jake Walzel, Caleb Beck and Isabel Gracia, fourth grade students from Pirrung Elementary School.)

SPECIAL ANNOUNCEMENTS

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

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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.)

APPOINTMENT FOR PERSONAL APPEARANCE

1. Appointment – Christi Jones-Hilbert, 3329 Aqueduct Court.
(Ms. Jones-Hilbert will present a petition requesting installation of speed bumps in the alley between Aqueduct Court and Clear Creek Drive.)

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 December 3, 2007.
3. An ordinance, on third and final reading, granting a gas franchise to Atmos Energy Corporation, Mid-Tex Division.
4. An ordinance adopting a Community Appearance Manual.
5. An ordinance amending Chapter 5 of the City Code regarding the Rental Certificate-of-Occupancy Program.
6. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the City of Baytown to purchase various goods and services.
7. Bid No. 2008-008 – Fiber Optic Equipment for City Facilities.
(Staff recommends award to Mercury Networks, Inc., through an interlocal agreement with the Mesquite Independent School District in the amount of \$62,018.00.)
8. Bid No. 2008-033 – Annual Laundry and Dry Cleaning for Fire Department.
(Staff recommends award to Debonair Cleaners, Inc.; Dry Clean Super Center and Toudanines Fine Dry Cleaning in the total amount of \$58,410.00.)

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9. Bid No. 2008-048 – Purchase and Installation of Shade Structures at Valley Creek Park.
(Staff recommends award to USA Shade & Fabric Structures, Inc., through Texas Multiple Award Schedule (TXMAS), an alternative purchasing method of the Texas Procurement and Support Services, in the amount of \$123,161.00.)
10. Bid No. 2008-049 – Annual Supply of Fire Department Uniforms.
(Staff recommends award to GST Public Safety Supply through an interlocal agreement with the City of Grand Prairie in the amount of \$76,803.50.)
11. Bid No. 2008-056 – Purchase and Installation of 15 Outdoor Warning Sirens and Other Equipment.
(Staff recommends the City Manager be authorized to execute a contract with sole-source provider Federal Signal Corporation in the amount of \$349,893.60.)
12. Authorize the City Manager to execute an engineering design services contract with Freeman-Millican, Inc., in conjunction with the City Water System Master Plan in the amount of \$73,300.00.
13. Authorize the City Manager to execute an engineering design services contract with Freeman-Millican, Inc., for design improvements and rehabilitation of the Barnes Bridge Pump Station and design retrofitting for emergency generators at the Hailey Pump Station and Southeast Pump Station in the total amount of \$327,000.00.
14. Authorize the City Manager to execute a contract including amendments to the terms and conditions as recommended by the City Attorney's Office with Brinkley Sargent Architects for design of a new City Hall facility as Phase Two of the Police Facility/City Hall Expansion Project in the amount of \$1,587,115.00.
15. Authorize the purchase of the first year renewal option for the employee medical plan reinsurance policy under Bid No. 2007-064, Reinsurance (Stop Loss), with ING in an amount not to exceed \$354,906.00 and authorize the City Manager to execute the appropriate documents.
16. Authorize the City Manager to execute a contract with Nathan D. Maier Consulting Engineers, Inc., to perform engineering services related to the conceptual reclamation of the Long Branch Drainage Basin in the amount of \$79,250.00.

PUBLIC HEARINGS AND CONSIDERATION OF ORDINANCES

17. Conduct a public hearing to consider Application No. 2007-4 and consider an ordinance amending the Zoning Ordinance regarding the Community Appearance Manual.
18. Conduct a public hearing to consider Application No. 2007-9 and consider an ordinance amending the Zoning Ordinance regarding the requirements for restaurants with private clubs in various overlay districts.
19. Conduct a public hearing to consider Application No. 2007-10 and consider an ordinance amending the Zoning Ordinance regarding publication requirements for the Board of Adjustment.
20. A. Conduct a public hearing and consider an ordinance for Application No. OT-73 submitted by David Belt for White Properties for a zoning change from R-3 Single Family Residential and Mixed Use to Planned Development – Mixed Use in Original Town, Block 18, Abstract No. 1607. This property is further described as a 0.29-acre tract located at the southeast corner of Belt Line Road and Holley Street.
(Two letters in favor and one letter in opposition to the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. Council referred this item back to the Planning and Zoning Commission at the November 19, 2007, City Council meeting.)

B. An ordinance abandoning right-of-way along a portion of Holley Street between Bryan-Belt Line Road and Carver Street.
21. Conduct a public hearing and consider an ordinance for Application No. 261-31 submitted by Kent Jones, Inc., for a zoning change from Commercial and Planned Development – Multi-Family to Planned Development – Commercial in the Big Town Addition. This property is further described as an 89.75-acre tract formerly occupied by Big Town Mall located at the southwest corner of U. S. Highway 80 and Big Town Boulevard.
(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

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22. Conduct a public hearing and consider an ordinance for Application No. 337-12 submitted by Quine & Associates, Inc., for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow the property to be used for miniwarehouses in East Dallas Estates, Block 1, Lot 6R. This property is further described as a 5.997-acre tract located at 2133 North Belt Line Road.

APPOINTMENTS TO BOARDS AND COMMISSIONS

23. Consider appointment of four regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2010.
24. Consider appointment of two members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2010.
25. Consider appointment of six members to the Mesquite Health Facilities Development Corporation for terms to expire December 31, 2009.
26. Consider appointment of six members to the Mesquite Housing Finance Corporation for terms to expire December 31, 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. 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. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
5. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06

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6. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
7. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
8. Johnny Spencer v. City of Mesquite – Filed 2-6-07
9. 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.

The following positions are scheduled to be reviewed by the City Council at the December 17, 2007, City Council meeting: Police Chief and Council-appointed positions for City Manager, City Attorney, Municipal Court Judge and City Secretary.

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. Business incentive for a project in the Skyline Industrial District.

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

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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).