

**CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM**  
**711 NORTH GALLOWAY**  
**NOON – MARCH 16, 2009**

**Discuss the items on the Regular Agenda and discuss: (1) development alternatives for Lucas Farms, (2) new Police Building opening and (3) lawn service companies.**

**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.)**
- (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**

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

**PLEDGE OF ALLEGIANCE**

(Recreation participants from Evans Senior Citizens Center.)

**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 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 March 2, 2009.
2. An ordinance amending Chapter 10 of the City Code regarding smoking regulations.
3. A resolution approving the terms and conditions of a program with CA 3000 Skyline Drive, LLC; Chapman & Wilson, LLC; Sorrento Skyline, Inc.; and Wilson Property Holdings, LLC (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.
4. Bid No. 2009-021 – Opal Lawrence Historical Park – Water and Sanitary Sewer Improvements, Phase 2.  
(Staff recommends the City Manager be authorized to execute the necessary documents with A&M Construction and Utilities, Inc., in the amount of \$58,758.00.)
5. Bid No. 2009-076 – Park Improvements at Evans Recreation Center and Evans Park Senior Center.  
(Staff recommends the City Manager be authorized to execute a contract with J. T. Turner, Inc., in the amount of \$654,592.03.)
6. Authorize the City Manager to execute Amendment No. 2 to a contract with Binkley & Barfield Consulting Engineers, Inc., for additional engineering services in conjunction with the 2007-08 Asphalt Street Reconstruction and Overlay Project in the amount of \$6,820.00.

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7. Authorize the City Manager to execute Change Order No. 2 to City Contract No. 2007-055, Annual Supply of Fire Hydrants with Ferguson Waterworks in the amount of \$5,580.12 for a total amount of \$70,976.30.

### **PUBLIC HEARINGS**

8. Conduct a public hearing for Subdivision Text Amendment No. 2009-1 and consider an ordinance amending the Mesquite Subdivision Ordinance regarding preliminary, final and short form plats within areas designated as form-based districts.
9. Conduct a public hearing for Application No. 163-3-2009 submitted by Bettye Blount and consider an ordinance for a zoning change from R-1 Single Family Residential to R-1 Single Family Residential with a Conditional Use Permit allowing a tax preparation service home occupation. This property is further described as a 2.48-acre tract located at 300 New Market Road.  
(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.)

### **OTHER BUSINESS**

10. Consider scheduling a special City Council meeting to canvass the returns for the May 9, 2009, General Election.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

11. Consider appointment of one regular member and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2010, and one alternate member for a term to expire October 21, 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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
2. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08

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3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
4. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
5. 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
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 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
7. 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
8. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
9. 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.

### **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. Prospect seeking to locate in the Rodeo City Tax Increment Finance Reinvestment Zone No. 1.

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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).**